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NOTES

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The designations "developed" and "developing" economies are intended for statistical convenience and do not necessarily imply a judgement about the stage reached by a particular country or area in the development process.

The term "country" as used in the text of this publication also refers, as appropriate, to territories or areas.

The term "dollar" normally refers to the United States dollar ($).

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FOREWORD

This study is one response among many by the United Nations Agencies to a greater awareness of the need for ethics, accountability and transparency in the public service today, given its indispensable role in the development and governance of a nation.

Although the current concern with ethics and corruption is found around the globe, some regions are particularly interested in mitigating the damaging effects of unethical and corrupt practices. Africa currently faces enormous challenges in its efforts to achieve sustainable human development. The public service, as an institution, has a critical role to play in the development of a nation. But in many countries in the region, the public service has been downsized as a requirement of structural adjustment programmes and has had to operate under shrinking resources. On the one hand, many countries have made improvements to their public service as a consequence. On the other, there have been unintended consequences such as an erosion of professionalism and ethics. The purpose of the project is to assist African governments to introduce or upgrade policies and programmes to improve the management of ethics and conduct in their public services.

This first volume of the final report compares the state of public service ethics policies and programmes in ten countries: Cameroon, Gabon, Ghana, Kenya, Madagascar, Namibia, Nigeria, Senegal, South Africa, and Uganda. It is based on the field work carried out in these countries by national consultants and other information gleaned from relevant documents, with other supporting documentation in an annex. The second volume, which is supplementary to this volume, contains country reports presenting a more personal analysis and impressionistic views of the national consultants. Besides the two-volume report, the study has produced a supporting database in MS-ACCESS which contains the actual answers to the study questionnaire and texts of supporting documents and a web-site which presents key study findings and links to other related web-sites.

For the sake of convenience, this report refers to country-specific information by country name rather than by the national consultants'. The reader is requested to bare in mind that the country names reference on the national consultants' work rather than any official position of the national governments or the United Nations.

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EXECUTIVE SUMMARY

There is a greater awareness of the need for ethics, accountability and transparency in public life today. This realisation has been supported by the emergence of a consensus that good governance and sound public administration underpin sustainable development. The impact of unethical and criminal practices in the public sector is unsupportable in the development of nations, resulting in a loss of confidence in public institutions and an erosion of the rule of law itself.

Although the current concern with ethics and corruption is found around the globe, some regions are particularly interested in mitigating the damaging effects of unethical and corrupt practices on the development of countries. Africa currently faces enormous challenges in its efforts to achieve sustainable human development. The region is home to many of the world's poorest countries and is associated with endemic diseases such as malaria and HIV/AIDS. Twenty percent of Africans live in countries experiencing severe conflict. Despite certain pockets of gains, the overall prospects for development for the region look dim. With declining export shares of primary commodities, a lack of viable manufacturing and service industries, capital flight, and "brain drain", Africa is slipping from its place in the global economy. Among the many calls for urgent action, improving governance and resolving conflict are seen to be the pre-eminent preconditions to sustainable development.

Though other actors need to be involved, these identified actions are all areas in which governments and their public services have a critical role to play. But in many countries in the region, the public service has been downsized as a requirement of structural adjustment programmes and has had to operate under shrinking resources. On the one hand, many countries have made improvements to their public service as a result. On the other, there have been unintended consequences such as an erosion of professionalism and ethics.

As one response, the United Nations Department of Economic and Social Affairs, Division for Public Economics and Public Administration (UN DESA DPEPA) launched a comparative study on *Public Service Ethics in Africa* in April 1999. This Support for Policy and Programme Development (SPPD) project was funded by the United Nations Development Programme (UNDP), Regional Bureau for Africa (RBA). The study surveyed ten countries -- Cameroon, Gabon, Ghana, Kenya, Madagascar, Namibia, Nigeria, Senegal, South Africa, and Uganda – with a view to getting a regional picture of the state of public service ethics policies and programmes. The overall aim of the project is to assist African governments to introduce or upgrade policies and programmes to improve the management of ethics and conduct in their public services.

The study covers the public service at the national or central level which, for working purposes, is defined as core government departments and agencies. Further, professional ethics has been defined as a system of shared values and norms that delineate how public servants should exercise judgement and discretion in carrying out their official duties. Based on these parameters, UN DESA DPEPA compiled comparative information on current legislation, policies, programmes, and -- to the extent possible -- actual practices that regulate the conduct of public servants. In addition, the study also collected background information on the structure of the public services, the recent history of public service ethics or anti-corruption initiatives in the countries, and the role of the private sector and civil society in overseeing ethics in the public service.

UN DESA DPEPA developed a detailed questionnaire that was used by national consultants, with pertinent expertise, to carry out expert

interviews and document analysis. A Project Steering Group was set up to guide the research process through ensuring the validity and reliability of the data gathered and to increase the participation of regional and national stakeholders. Based on the work of the national consultants and other supplementary information, UN DESA DPEPA has prepared the following outputs: a final report in two volumes, the first presenting a comparative analysis and key findings with annexed documents, and the second with ten country reports which focus on the national consultants' views of the individual country situations, a web-based presentation of the study's key findings, and a MS-ACCESS 97 database application which covers data from the survey and supporting information.

This first volume of the final report contains the major findings under the main themes of the study: the context and structure of the public service; guiding, managing, and controlling conduct in the public service; and the role of non-governmental actors.

In considering the public service structures of the region, cultural and historical factors cannot be neglected. The countries in the region have the legacy of colonial administrations which largely shaped their current legal frameworks, organisational structures, and administrative systems. However, the European colonial powers have bequeathed a state structure that has not been geared to being responsive or accountable to the local population. This lack of accountability and transparency has been exacerbated in those countries with post-independence single party regimes. One result has been the politicisation of the public services. Currently, many of the countries have been trying to reverse this situation by revitalising their public services in order to operate more meritocratically with a goal of better serving the public.

As part of getting a sense of government organisation and administrative structures, the study asked for basic data on the profile of the public service workforce, salary structures, and man-

aging agencies. However, one major finding is that the capacity to collect basic public service statistics needs to be greatly reinforced to manage not only the conduct of but all other aspects of the public service. Another finding is that in most countries, the public service salary structures need to be improved in terms of adjusting the compression of the levels, in keeping up with inflation, and in comparison with the private sector. This is a difficult issue to resolve, especially in the face of inadequate resources. However, since the situations in the countries indicate that salary structures differ by the rank of a public servant and by the sector in which he or she works, one way forward may be to target priority groups or sectors for a review of their incentive structures rather than applying reforms across the board.

More specifically related to promoting ethics in the public service, the project also tried to get a sense of any campaigns or major research efforts in the past ten years in the countries. Many corruption perception studies show a high degree of mistrust by the public of their governments. Further, some countries have conducted ethics campaigns through mass exhortations, codes of conduct exercises, etc. Some countries are also beginning to push for better ethical standards in other segments of society beyond the government through introducing private sector and NGO codes of conduct.

Under the theme of guiding the public servants in how they are to conduct themselves, a framework of core values, specified legal and administrative standards, ethics advice and counselling, and legislative prohibitions and restrictions were examined. The responses from the countries reveal that, first, values and standards are insufficiently communicated after basic induction training of the public servants. Second, current standards in many countries do not sufficiently address new areas of concern such as the use of credit cards, official travel, movement to the private sector, post-employment, and lobbying. Surprisingly, one age-old concern, that of nepotism or inappropriate employment and supervision of family mem-

bers, also does not seem to be adequately addressed. Third, the prevention of corruption or even inadvertent violation of standards have not been given proper attention through ethics advice or counselling. Finally, the countries show that there are difficulties in applying existing criminal code provisions against corruption or specific anti-corruption laws due to the complexity of the texts and the onerous burden of proof in a crime that is not often visible. In short, the study countries show that they have in place values, standards, and laws that criminally condemn corruption, unethical acts, and incidents of maladministration. However, they are sometimes outdated and do not sufficiently cover technical developments or social trends.

Managing the conduct of public servants entails having in place – among other systems -- an overall national integrity strategy, sound human resources management practices, and comprehensive disclosure procedures. Although just over half of the countries espouse a national integrity strategy or broad ethics or anti-corruption policies, few seem to have co-ordinating strategies in place. Fair and transparent human resources policies and practices are the foundations for creating a professional and ethical public service. The majority of the national consultants did not express a high degree of confidence in the existing systems. They did not see merit playing a large role in the selection process, nor the public service leadership providing a good example to the rest of the public servants. A good disclosure system can be the basis for successfully enforcing criminal and other legal anti-corruption provisions. Although most of the study countries have disclosure requirements for their public officials, upon closer examination, they are not as comprehensive or detailed enough to be able to capture all the possible violations of prohibited areas or conflicts of interest.

Measures for guiding and managing the behaviour of public servants require enforcement procedures to be effective. There must be a way of enforcing minimal standards, not only to punish violations but also to serve as a deterrent for others contemplating similar actions. In this endeavour, complaints or reporting procedures are the starting points. However, the survey results indicate that they are not widely known in many of the study countries, making corrupt and unethical acts difficult to report. Second, for those people who choose to report wrongdoing, adequate protection needs to be in place. Again, although whistle-blower protection may exist in writing, there are insufficient practical measures in place such as transfers of work and anonymity to really protect those that expose corruption or ethical violations. Third, independent oversight agencies such as the Ombudsmen, Inspectors General, Auditors General, etc. need to have the institutional capacities to carry out their mandates. Based on the limited information gathered by the study, it is hard to gauge their capacities in terms of staffing and budget levels. However, comments by the national consultants would indicate that they are inadequate. Fourth, in terms of financial control, very few countries show that internal and external audit reports are widely circulated or made public. Without wide circulation, it is difficult to build up the consensus for pushing for changes. Finally, few countries actually prosecute corruption, either because of difficulties of proving the crime or a lack of political will.

Given the fledgling state of private sector and civil society organisations in the region, the countries show that they are surprisingly active. But both sectors need to be encouraged through resources and capacity-building in order to provide public scrutiny of government operations and performance. Ultimately, they need to reset the balance in the governance equation of a country through demanding accountability, transparency, and ultimately, change. Governments need to be persuaded that it is in their interest to have a strong and effective private sector and civil society. Governments need to enhance their transparency by sharing information about their activities. Although this is being done to some degree, maybe harnessing technological developments can augment their present efforts. At the same time, the check and balance of private media and press views are needed to

ensure that government communications do not become mere propaganda. The survey indicates that, in many study countries, the press is still not entirely free to express its views or operate without government interference. Press need more freedom but should also demonstrate a sense of professional responsibility to inform the public without undue bias.

The above-mentioned findings at the regional level in conjunction with country-specific recommendations made by the national consult-ants may assist countries to clarify policies. In short, an examination of the countries' ethics infrastructures reveals that although many ethics provisions exist on the policy level, they are inadequately or not implemented on a daily basis. To assist countries to better implement their existing or to introduce new ethics policies and practices, the results of the study will be widely disseminated.

In addition, dissemination at the regional level will be undertaken to promote "benchmarks" or common standards to promote ethics and combat corruption in the public service. In this fashion, the countries can mutually benefit from the experiences of one another and explore partner-ships and cooperation. Thus, the countries will be better able to achieve a professional and ethi-cal public service, one which can play a key role in the better governance of their nations and, ultimately, in the sustainable development of their region.

CHAPTER 1: INTRODUCTION

Public Service Ethics in Africa Project

In April 1999, the United Nations Department of Economic and Social Affairs, Division for Public Economics and Public Administration (UN DESA DPEPA) launched a comparative study on Public Service Ethics in Africa. This Support for Policy and Programme Development (SPPD) project was funded by the United Nations Development Programme (UNDP), Regional Bureau for Africa (RBA). The study surveyed ten countries -- Cameroon, Gabon, Ghana, Kenya, Madagascar, Namibia, Nigeria, Senegal, South Africa, and Uganda -- with a view to getting a regional picture of the state of public service ethics policies and programmes. The criteria for choosing these countries were to sample countries in Sub-Saharan Africa reflecting[1]:

- a degree of political stability that allows the country to focus on broader governance issues rather than conflict, war or survival,
- sub-regional and linguistic diversity[2],
- a continuum of ethics and anti-corruption initiatives, from very few to full-fledged national campaigns,
- a low presence of international organisations, working in this substantive area; and
- existing partners with whom UN DESA DPEPA has worked successfully in the past and who have indicated a strong interest in this issue.

The overall aim of the project is to assist African governments to introduce or upgrade policies and programmes to improve the management of ethics and conduct in their public services. The first volume of the final report, which serves as a

policy-making and programming tool, presents the comparative analysis and key findings of the information gathered from the ten participating countries and other annexed supporting documents. It is complemented by the second volume, containing ten country reports which focus on the national consultants' views of the individual country situations.

A web-based presentation of the key findings of the study, complemented by supporting information and links to related information resources on the internet, can be found in the United Nations Online Network on Public Administration and Finance (UNPAN).[3] The final report and the project internet website rely on a database application which covers data from the survey and supporting information. The MS-ACCESS application provides comparative overviews of the participating countries and detailed displays of individual country data. A download version of this database will be available on the project website.

Background

This study is one response to a greater awareness of the need for ethics, accountability and transparency in public life today. This realisation has been fueled by the media and civil society groups around the globe, reporting on crony privatisations, massive unfinished public construction projects, outright bribery and fraud, the obstruction of justice, questionable campaign financing and lobbying, the accep- tance of lavish gifts and entertainment, etc. The costs of these unethical and criminal practices are unsupportable:

- the diversion of scarce resources meant for development of nations and peoples for personal gain,

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1 Although the project targeted ten countries, it worked with a pool of 15 in case some dropped out.
2 The project targeted a Lusophone country in its sample but was unsuccessful in its attempts to include it.

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3 http://www.unpan.org/ethics

- the loss of confidence in public institutions and leadership, and
- an erosion of the rule of law itself.

The public service, entrusted with guarding public resources and executing decisions on behalf of elected representatives, plays an indispensable role in the development and governance of a nation. As such, it must have in place a system of measures to create an environment promoting ethics, accountability and transparency.

In the past few years, many intergovernmental organisations such as the Commonwealth Secretariat, the European Union, the International Monetary Fund, the Organisation for Economic Co-operation and Development, the Organisation of American States, and the World Bank have taken action to fight corruption, promote transparency and accountability, and enhance public service ethics.

The United Nations System has also been active, with the General Assembly adopting five resolutions within the past five years alone. (see Box 1 and Annex 1) Moreover, the United Nations Centre for International Crime Prevention published a handbook on practical measures against corruption in 1993 and is currently drafting a model law against corruption. In 1996, the UNDP's Management Development and Governance Division created a Programme for Accountability and Transparency, which supports the improvement of financial accountability and management of selected countries through technical assistance.

The United Nations Department of Economic and Social Affairs promotes a multi-dimensional and integrated approach to development. Its Division for Public Economics and Public Administration supports intergovernmental policy deliberations, assists Member States in improving public administration and finance systems, and fosters capacity-building. The Division, through its predecessor entities, has been assisting member states for fifty years to develop institutional capacity to achieve a well

performing public service and strengthen public management. It organises regional and interregional fora, provides policy and programme advice, and manages technical co-operation projects to create a sound governance environment.

In the area of public service ethics, the Division organised and published reports of several conferences which it has co-organised (see Box 2). In addition, the Division has substantively supported a number of conferences and workshops and assisted in technical missions to various countries.

Box 1:
United Nations Resolutions

1996: *Action Against Corruption* with an *International Code of Conduct for Public Officials* (A/RES/51/59)

1996: *UN Declaration Against Corruption and Bribery in International Commercial Transactions* (A/RES/51/191)

1997: *International Co-operation Against Corruption and Bribery in International Commercial Transactions* (A/RES/52/87)

1998: *Action against Corruption and Bribery in International Commercial Transactions* (A/RES/53/176)

1999: *the Prevention of Corrupt Practices and Illegal Transfer of Funds* (A/RES/54/205)

Regional Context of the Project

In recent years, many countries in Africa are linking the issue of integrity of leadership and institutions to economic and social development. In 1997, the Southern African Universities Social Science Conference in Zambia passed a

resolution, calling for democratic governance, ethical behaviour, public accountability and the control of corruption in Africa. In 1999, the 9th International Anti-Corruption Conference was held in Durban, South Africa, where participants from numerous African countries highlighted the regional concern about corruption, and also the efforts to combat it.

Box 2: UN Conferences on Public Service Ethics

1997: *Public Service in Transition: Enhancing Its Role, Professionalism and Ethical Values and Standards*: a regional conference co-sponsored by the Government of Greece and UNDP, attended by 21 Central and Eastern European countries, held in Thessaloniki.

1997: *Promoting Ethics in the Public Service:* a national colloquium sponsored by the Government of Brazil and UNDP among others, attended by federal and state-level public servants, held in Brasilia.

1998: *Civil Service in Africa: New Challenges, Professionalism and Ethics:* the Second Pan-African Conference of Civil Service Ministers, co-organised by the Government of Morocco and the African Training and Research Centre in Administration for Development (CAFRAD), attended by 35 African countries, held in Rabat.

The United Nations system also took up these linkages. The First Pan-African Conference of Ministers of Civil Service, co-sponsored by the United Nations in 1994, had expressed concern over the decline in the professionalism and prestige of the African public service and emphasised the need for measures to strengthen the performance and morale of public servants. As mentioned in Box 2, the Second Pan-African Conference of Ministers of Civil Service continued to address this concern by focusing on

professionalism and ethics. In 1997, the United Nations-sponsored *African Regional Ministerial Workshop on Organised Trans-national Crime and Corruption* in Senegal called for support for more action in fighting crime and corruption.

Also, the theme of the Second Africa Governance Forum in Ghana, sponsored by UNDP, was *Transparency and Accountability*. During the Forum, corruption emerged as one of the major issues of accountability and transparency, given the negative impact of all its manifestations on development. Among the recommendations to combat corruption, notable are the exploration of the possible uses of traditional African values, the elaboration of an all-African convention on corruption (along with sub-regional agreements to prevent and expose corruption), and more close co-operation with the Organisation for Economic Co-operation and Development (OECD) given its recent work in this area.

It was in direct response to these recommendations that the United Nations and UNDP embarked on the joint venture of this study.

Objectives

Through the Public Service Ethics in Africa project, UN DESA DPEPA compiled comparative information on current legislation, policies, programmes, and practices. Such a regional comparison is intended to highlight gaps and best practices, which can serve as a basis to introduce new or improve existing ethics policies and programmes at the national level. The information collected by this study is intended to:

- assist African government and non-government actors to introduce or improve public sector ethics policies and programmes,
- support international organisations, such as the United Nations and UNDP, and other development partners in determining priorities, drafting

recommendations and making funding decisions,

- be produced in a set of reports and set up in an electronic database which could be updated and available to public administration scholars and practitioners through designated web-sites,
- serve as a pilot study to be enlarged by the inclusion of other countries in the region, and
- provide a basis for "benchmarks" of best practices against which individual countries can make improvements.

Scope

The study covers the public service at the national or central level which, for working purposes, is defined as core government departments and agencies that are traditionally covered by a public service act. Questions about the police, which usually has a separate administration, have also been included, due to its important role in the countries of the region. Furthermore, ethics, or more precisely professional ethics, has been defined as a system of shared values and norms that delineate how public servants – as agents of the state and as members of an established profession (e.g. accounting, law, etc.) – should exercise judgement and discretion in carrying out their official duties.

The scope of the study is based on a successful OECD study, but reformulated to take into account the African politico-socio-economic context and traditional value systems. In 1996, the Public Management Service (PUMA) of the OECD published its results in an Occasional Paper, *Ethics in the Public Service: Current Issues and Practice,* covering nine OECD countries. The study, replicated in 15 more member countries in 1997, served as a basis for establishing a new area of work and for the adoption, in 1998, of a set of principles for managing ethics in the public service. In 2000, PUMA has just finished another study to see

how these recommendations were implemented in all the OECD member countries.

For the conceptual framework of this current study, DPEPA reformulated the above-mentioned OECD survey's notion of an "ethics infrastructure" to fit into the African context. An ethics infrastructure is a set of rules, institutions and practices that are in place to guide, manage and enforce good conduct in the public sector. It is composed of mutually reinforcing functions and elements to achieve the necessary coherence and synergy to support an environment to encourage high standards of behaviour (see Table 1).

In addition to the ethics infrastructure, the study questionnaire also asked for background information on the structure of the public service of the countries and their history of public service ethics or anti-corruption initiatives. Because there is very little information available about the public administrations of some of these countries, it was important to be able to view them in their proper administrative context. Moreover, a section of the questionnaire also dealt with the role of the private sector and civil society. Again, these non-governmental sectors are often under-developed in many countries of the region, yet have a potentially important role to play in promoting public service ethics and combating corruption. Specific mentions were made of the role of traditional authorities or leaders to ascertain their level of participation in this field.

Methodology

The items listed under "survey issues" in the table below were researched by national consultants, with pertinent expertise, who were recruited by the UN in close cooperation with UNDP country offices involved. These consultants were guided and monitored by a project team at UN Headquarters. The national consultants received a detailed questionnaire and research guideline for their work (see Annex 2).

Table 1: Ethics Infrastructure

Functions	Elements	Survey Issues
Guidance (prevention)	• commitment from political leadership • statements of values and legal standards • training	• communication campaigns • code of conduct exercises • conflict-of-interest disclosures • post-employment restrictions • induction/ongoing training
Management (oversight)	• co-ordination by special body or central management agency • public sector work conditions • administrative policies and practices	• independent ethics or anti-corruption agencies or administrative units • pay levels, career structures, and other incentives • safeguards in contracting and procurement, etc.
Control (enforcement)	• legal enforcement framework • effective accountability mechanisms • public involvement	• laws enabling independent investigations and prosecutions (criminal codes, anti-corruption, civil service, and ethics) • reporting requirements and performance contracts and evaluations • private sector codes of conduct, civil society watchdogs, professional associations and trade unions

The questionnaire focused on systematically collecting mostly publicly available statistics, administrative data, and legal documents. The research design for this study can be best described as a combination of expert interviews and document analysis.

A Project Steering Group was set up to guide the research process through ensuring the validity and reliability of the data gathered and to increase the participation of regional and national stakeholders (see Box 3). The composition of the Group strove not to be too donor focused but to include those members who are the most familiar with the complexities

and challenges of the African context. The Project Steering Group met twice in the region: (1) to approve the survey instrument and plan of action, and (2) to approve the report and the database.

The research process comprised of the following steps:

1. UN DESA DPEPA carried out a literature survey and reformulated the OECD questionnaire. It produced the questionnaire, guidelines for the questionnaire, terms of reference for hiring national consultants to conduct

research in the field, and guidelines for writing the country report. At the same time, it organised and supported the first meeting of the Project Steering Group. The Group reviewed and finalised the proposed survey methodology and questionnaire.

2. UN DESA DPEPA also undertook start-up missions to all the participating countries to meet with the UNDP Country Office and key government officials, generally in the public service ministries, to enlist support for the research. Given the potentially sensitive nature of the topic, this was a crucial step to the success of the project.

3. In close cooperation with the UNDP Country Office, UN DESA DPEPA identified, interviewed and recruited national consultants. In some cases, teams of two consultants were hired. The selection of the consultants was critical to the quality of the information gathered. They had to be acknowledged experts in public service reform, public sector ethics, or anti-corruption fields as well as seen to be objective in their views in order to be credible in their countries.

4. Once the national consultants were hired, they began the process of filling out the questionnaire through collecting relevant documents, interviewing key public officials and other non-governmental informants, and conducting other research. The electronic format of the questionnaires enabled UN DESA DPEPA to directly import the answers into the MS-ACCESS database. In addition to filling out the questionnaire, the national consultants also drafted a country report, complementing the questionnaire. They were asked to capture more historical or impressionistic information and analyse them to make some concrete, action-oriented recommendations.

5. UN DESA DPEPA collected and examined the completed questionnaires, the country reports, and supporting documents from the consultants for quality control. It asked for clarifications and revisions of the material received. The database of the completed questionnaires was analysed to generate a comparison across the countries. This final report presents the key findings of this analysis. In addition, the country reports were edited and sent back to the countries to be circulated for comments and validation. The key findings from all these sources were converted into a web-based electronic information package for wider accessibility over the Internet.

6. The Project Steering Group met again to review the study findings and to make recommendations for ensuring that concrete follow-up actions take place in the region. In addition, the national consultants also met together with UN DESA DPEPA project team to collectively go over and update the information that they had collected. They were also consulted on how best to ensure follow-up action at the country level.

Box 3: Project Steering Group

African Association of Public Administration and Management

African Institute for Democracy

African Association of Political Science

Economic Commission for Africa

Global Coalition for Africa (Vice-Chair)

Organisation for African Unity (Chair)

Rabat Declaration Ministerial Steering Group

Transparency International

Outputs and Outcomes

As mentioned above, this present comparative report, ten country reports (see Volume II), an MS-ACCESS database of regional issues and practices, and a web-based presentation of key findings have been prepared as outputs of the project.

In order to ensure that the results of the study will be conducive to action, they will be widely disseminated. It is hoped that the dissemination within the participating countries themselves will lead to concrete policy changes, institutional improvements, and managerial developments. Some examples of such practical changes would be the capacity improvement of the investigating agencies such as the Ombudsman's offices, independent anti-corruption agencies, etc. A show of commitment to higher standards of conduct through promulgating codes of conduct and tightening up financial disclosure and disciplinary procedures are other examples. The introduction of specific public service ethics training or national anti-corruption or wider public sector ethics programmes would also be examples of desirable outcomes.

In September 2000, UN DESA DPEPA co-organised a workshop with OECD PUMA at the *Ethics in the New Millennium: Bridging the Public and Private Sectors* conference, organised by the International Institute for Public Ethics in Ottawa, Canada. The purpose of this workshop was not only to disseminate study results to ethics experts but also to make cross-regional comparisons. A publicity launching event in New York is planned for 2001.

Other events in Africa, where representatives of the participating governments will be present, will be sought out to disseminate the results. It is hoped that a close review of the findings by these representatives and other experts will result in "benchmarks" or common standards to promote ethics and combat corruption in the public service in Africa. Further, to maximise the use of the methodology developed and the data collected, other follow-up activities such as enlarging the survey to include other countries in the region or the development of training material based on the study conclusions could usefully take place.

CHAPTER 2: THE CONTEXT OF PUBLIC SERVICE ETHICS IN AFRICA

In this chapter, the research issues addressed in this study will be described within their geographical, cultural, historical, social and economic context. Setting this context will allow for a better consideration of the factors that shape the development trajectories of the countries participating in the study as well as the functioning of their governance institutions, in particular their public services. And since the working definition of professional ethics for the project, as stated in Chapter 1, is a system of shared values and norms that delineate how public servants should carry out their official duties, it is essential also to consider the administrative traditions of the countries concerned. These traditions are largely determined by the colonial legacies found in Africa.

Sub-Saharan Africa Today

Africa currently faces enormous challenges in its efforts to achieve sustainable human development. A new report focusing on Sub-Saharan Africa, *Can Africa Claim the 21st Century?*, notes that the region is home to many of the world's poorest countries and a growing share of the world's absolute poor.[4] Average real income per capita is lower than at the end of the 1960s while wealth is unequally distributed. The region is also associated with endemic diseases such as malaria and HIV/AIDS, high child mortality, and low primary school enrollments. Furthermore, 20 percent of Africans live in countries experiencing severe conflict.

These dismal statistics are balanced by others in many countries in the region that have raised income and growth and reduced poverty.

Despite these pockets of gains, the overall prospects for development for the region do not look particularly hopeful in a rapidly integrating global economy. With declining export shares of primary commodities, a lack of viable manufacturing and service industries, capital flight, and "brain drain", Africa is slipping from its place in the global economy. The report calls for four urgent actions for the region: improving governance and resolving conflict, investing in people, increasing competitiveness and diversifying economies, and reducing aid dependence and strengthening partnerships. Of these, improving political and economic governance are seen to be the preconditions to sustainable development.

The identified actions are all areas in which governments and their public services have a critical role to play. But in many countries, the public service has been downsized as a requirement of structural adjustment programmes and has had to operate under shrinking resources. On the one hand, many countries have realised many gains in their public service reforms as a result. On the other, there have been unintended consequences such as an erosion of professionalism and ethics.

The Project Country Sample

The Public Service Ethics in Africa Project selected ten Sub-Saharan African countries for participation in its ethics infrastructure survey. These countries reflect the diversity of the region. As can be seen from Map 1, five countries were chosen in Western and Central Africa (Cameroon, Gabon, Ghana, Nigeria, and Senegal), two in East Africa (Kenya and Uganda), and three in Southern Africa (Madagascar, Namibia, and South Africa). As will be explained below, these ten countries vary in size and population, cultural and political back-

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4   A co-publication of the African Development Bank; African Economic Research Consortium; Global Coalition for Africa; United Nations Economic Commission for Africa; and the World Bank. See World Bank 2000b.

grounds as well as levels of economic and social development.

Cultural Heritage and Ethnic Composition[5]

Ethical values and standards are a reflection of the cultural and historical contexts in which they emerge. African cultural history has been described as a product of endogenous values, tastes, and belief systems, and imposed external influences.[6] The countries under study represent this trend. While the western and southern African countries traditionally have been under the influence of European and Arabic conquest and trade, the eastern African countries -- particularly Madagascar -- have also been under Asian influence.

At least one European language is used as an official language and/or lingua franca in each of the participating countries. Following this definition, three countries (Gabon, Senegal, Madagascar) are francophone and six countries (Ghana, Kenya, Namibia, Nigeria, South Africa and Uganda) are anglophone. Cameroon is officially bilingual -- English and French -- with French prevailing in 80 percent of the territory. Five countries have also established one or several local languages as official languages, besides English or French (Kenya: Swahili, Madagascar: Malagasy, Senegal: Wolof, South Africa: nine local languages and Afrikaans, Uganda: Swahili); however, with the exception of Malagasy and Afrikaans, few official documents exist in these languages.

All countries in the sample share an ethnic heterogeneity that may be typical for many Sub-Saharan African countries but less known in other parts of the world. Countries can have as many as over 430 different ethnicities, as in the case of Nigeria. For Madagascar, although the population is described as homogeneously Malagasy, this population itself is a product of historical African and Asian immigration. In Senegal, South Africa, Uganda and Kenya, influential Arabic and Asian minorities can be found. In Namibia and South Africa, white minorities of European descent constitute 6 percent and 12 percent respectively of the population.

Of all the countries under survey, Senegal is the only one with religious homogeneity, with an estimated 95 percent of the population following Islamic beliefs. In Nigeria, 45 percent of the population are estimated to be Muslim, in Cameroon 20 percent and in Ghana 16 percent. In all three countries, the Islamic population concentrates in less urbanised areas in the north, in each case following relatively clear ethnic and geographical boundaries. In Kenya and Madagascar, more than 50 percent of the population supposedly follow indigenous religious beliefs. In Cameroon, Gabon, Ghana, Namibia, South Africa and Uganda, the respective shares are estimated between 20 percent and 40 percent. Cameroon, Gabon, Uganda, Ghana, Namibia, Nigeria and South Africa, show Christian majorities in their populations. The first three countries show a Catholic preference; Ghana and Namibia are mostly Protestant; and Nigeria and South Africa predominantly follow independent African congregations.

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5   The information on ethnic and language composition in the study countries presented in this paragraph has been drawn from the Fischer World Almanac 1999 and (http://www.newafrica.com).

6   Ake 1993, p. 17.

Map 1: Participating Countries

Despite the ethnic and cultural diversity illustrated above, it has been pointed out that there is in fact a common cultural base in the region. "The diversity – the vast number of subcultures – is undeniable. But there is a foundation of shared values, attitudes, and institutions that binds together the nations south of the Sahara, and in many respects those to the north as well.

(…) The existence of this common base is so real that some anthropologists question whether imported religions – Christianity and Islam – have really affected African ancestral beliefs or given Africans different ways of understanding the contemporary societies in which they live."[7]

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7   Etounga-Manguelle 2000, p. 67.

The values of African culture -- particularly respect for elders; loyalty to kinship, community and ethnicity; and communalisation rather than individualisation of chores and merits -- seem to constitute a welfare system and guidance framework, which the features of the modern state present in Africa today could never adequately substitute.[8] However, the features of a modern public administration do exist in all African states today, and it is also commonly accepted that modern, reliable and accountable public administrations are a prerequisite for economic and social development in Africa. The fact that these administrative systems did not follow the same evolutionary process as in the northern hemisphere must not be overlooked, though. They have often been imposed by external force, abused for political control, and historically received deep resistance in the African culture.[9]

For members of the civil service, the institutional contradictions between African tradition and community, on the one hand, and the features of a modern administrative state described above, on the other, can create a permanent conflict of roles. They have to navigate between traditional loyalties and obligations and the Weberian spirit of "formalistic impersonality"[10] under which administrative norms are applied without regard to personal considerations and everyone is subject to a formal equality of treatment. Or, in the words of two scholars from the region, "A manager in Africa is trapped in a wide web of allegiances. He must pay allegiance to his organisation, for it is the organisation which contracts him and from which he makes a living. … This same manager is also a member of an extended family, and a tribe, besides having personal friends. Customarily members of the extended family and tribespeople have their own expectations on one's status, because in these predominantly rural (prismatic) societies, powers, wealth, or status are assumed to carry certain privileges which once (they are) acquired

are considered as constituting a common pool of the entire society. (…) The moment therefore one becomes a senior public official, his kinships and tribesmen will come to look for favours. If he clings on the established procedures of operation, and thus refuses to accommodate their demands and expectations, he will be cursed by the members of his society for betraying their trust, and his acceptability to them will be in doubt."[11]

Colonial Legacy

In much of Africa, countries were traditionally governed by a hereditary king or a group of largely hereditary chiefs. These governance systems were destroyed or subverted when almost all the countries in the region, with the exception of Ethiopia and Liberia, were colonised by European powers in the 19th century. The countries in the study sample have been influenced by English, French, Dutch or German colonial rule. The colonial history of these countries can still be traced in their present constitution and their political and administrative structures. In some countries, the main legal systems also accommodated Islamic and other customary laws, partly because the colonial rulers tried to integrate them selectively into their administrative systems, partly because the post-colonial political leadership wanted to set a counterpoint to the colonial legal tradition and emphasise African tradition. It has also been argued that some elements of traditional legitimate power could persist in some of these countries as a consequence of deep distrust and popular resistance towards colonial administrative systems which had been externally imposed, brutally enforced, and abused for the maintenance of colonial power.[12]

Table 2 gives a short overview of the colonial history of the countries under study. Gabon, Madagascar and Senegal have been continuously under French colonial rule, while Ghana, Kenya,

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8   Ake 1993, p. 15.
9   ibid., p. 13
10 Weber 1978, p. 225.

11 Shellukindo and Baguma 1993, p. 37.
12 Ake 1993, p. 13.

Nigeria and Uganda have been under British influence. Cameroon was under German, English as well as French colonial influence while Namibia was first a German colony and then, through South African occupation, under the influence of the British legal tradition. South Africa is the oldest independent state in the sample. It was, however, until 1994 under the control of a white minority of European descent and thus under the influence of British and Dutch legal traditions. As a result, there are three main types of legal systems among the ten countries: the English common law, the French civil law, and the Roman-Dutch law (see Table 3 for an overview).

The legal systems and the constitutional framework inherited from colonial rule largely determine not only how public services are organised and operate but also how the conduct of public servants are regulated. "In Sub-Saharan African countries, the metropolitan model has been dominant since colonial times. Political independence has not brought about any marked change in orientations, with the exception of a few notable countries. (…) Generally, the francophone countries adopted the French model, and the anglophone countries adopted the British Westminster model."[13] The constitutional innovations introduced after independence and other new legislations sought to blend traditional local values with the formal governing structures that had been introduced by the Europeans. Despite the different legal systems introduced by the colonial powers, one common result has been the dominance of the executive branch of government over the other two branches and a lack of checks and balances. This led African scholars to the conclusion that "underlying the litany of Africa's development problems is a crisis of governance. By governance is meant the exercise of political power to manage a nation's affairs. Because countervailing power has been lacking, state officials in many countries have served their own interests without fear of being called to account (…) Politics becomes personalized, and patronage becomes essential

to maintain power. (…) This environment cannot readily support a dynamic economy."[14] However, the countries in the region have been trying to reverse this legacy and its attendant single-party rule to a more inclusive and power-sharing political system. "By the mid-1990s, emphasis on a law-based state and respect for the rule of law and the independence of the judiciary had become a salient feature of the emerging democratic governments in a significant number of Sub-Saharan African countries."[15]

Post-Colonial Political Development and Stability

The countries under study also reflect the broad scope of post-colonial political development in Sub-Saharan Africa. The francophone countries in the sample all became independent in 1960, together with anglophone Nigeria, while Ghana had already gained political independence in 1957; Uganda followed in 1962, and Kenya in 1963. In Namibia, German colonial rule had already ended in 1917, as a consequence of WW I. The country was then, however, under external rule from South Africa until 1990 and is thus the youngest country in the sample to be politically independent.

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13 Olowu and Adamolekun 1999, p. 88.

14 World Bank study 1989, cited in Adamolekun 1999.
15 Adamolekun 1999, p. 5.

Table 2: History Outline of Study Countries

Cameroon	German colonial rule between 1884 and 1917. In 1922 division between France and Britain. Self-government of French Cameroun in 1958, full independence as République du Cameroun in 1960. In 1961 federation with British Southern Cameroon. Presidential republic since 1960, opposition parties legalised in 1990.
Gabon	French colonial rule from 19th century until independence as République Gabonaise in 1960. Presidential republic, opposition parties legalised since 1990.
Ghana	British colonial rule between 1874 and 1957. Independence as Republic of Ghana in 1957. Presidential republic without legalised opposition between 1957 and 1966. Military rule between 1966 and 1969, and between 1972 and 1992, with several military coups and attempts to restore democracy. Ban on the formation of political associations, imposed in 1981, finally lifted in 1992. Again presidential republic since 1992.
Kenya	Part of the British colonial empire between 19th century and independence in 1963. Presidential republic since 1963. In 1982, attempts for a military coup. Pluralist party system legalised in 1992.
Madagascar	Under French colonial rule from 1896 until independence as République de Madagascar in 1960. Military rule between 1970 and 1990. Legalisation of opposition parties in 1990.
Namibia	German colonial rule over most of the territory between 1884 and 1914. During WW I occupation by South African troops, later declared as mandated territory under the League of Nations, administered by South Africa on behalf of Britain. After WWII continuous South African occupation until 1990. Independent as Republic of Namibia since 1990.
Nigeria	British colonisation starting in the 19th century. In 1914 loose amalgamation of the Northern and Southern British Protectorates, with separate administrations. Internal self-government granted between 1957 and 1959. Northern part of the British Trust Territory of the Cameroons joining Nigeria in 1961. Creation of an independent state of Nigeria under a federal constitution in 1960. Military rule and civil war between 1966 and 1976, transition to civilian government until 1979. Civilian government between 1979 and 1983, then return to military rule (with subsequent coups d'etat) until 1993. Elections at the local level in 1990. Gubernatorial, state and national assembly elections in 1992, presidential elections in 1993. Interim civilian national government in 1993, to be replaced by military rule until 1998. Establishment of a civilian transition government, Federal Republic since 1999.
Senegal	Part of French West Africa since 1902, with roots of French colonialism dating further back. 1958 autonomy within the Community of French West Africa. In 1959 merger with French Sudan to form the Federation of Mali, independence in 1960. Withdrawal from the federation and formation of a separate independent republic in 1960. One-party state from 1966 until 1974.
South Africa	British annexation and further colonisation of Dutch-settled territory in the 19th century, responded to by formation of two Boer republics through non-British white settlers. In 1911 declared the Union of South Africa, following British victory in the Anglo-Boer wars of 1899-1902. Between 1948 and 1994, political dominance through Afrikaner-led National Party, maintenance of the Apartheid system. In 1961 withdrawal from Commonwealth membership, until 1994. Multi-party republic since 1994.
Uganda	Fully under British influence since the Anglo-German agreement of 1890. British protectorate declared in 1894. Pre-independence elections in 1961 and 1962. Political independence in 1962, formation of a federal republic in 1963. Withdrawal of regional autonomy and introduction of an executive presidency in 1966. Establishment of a unitary republic in 1967. Military dictatorship between 1971 and 1979. In 1979 invasion through Tanzanian armed forces, assisted by exiled Ugandan volunteers. Difficulties in establishing civilian rule after 1980, with military coups in 1985 and 1986. Declaration of civilian presidency without popular vote in 1986. Elections for a National Resistance Council (NRC) in 1989, for a constitutional assembly in 1994. Restoration of a pluralist party system suspended until a national referendum in 2000, which voted for further suspension. Presidential and parliamentary elections in 1996.

Sources: J. D. Hargreaves, *Decolonization in Africa*, Economist Intelligence Unit Country Reports, Fischer World Almanac 1999, World Bank country briefs Sub-Saharan Africa 2000, Encyclopaedia Britannica

Table 3: Legal Systems and Latest Constitution Dates

Country	Present Legal System	Adoption of Present Constitution
Cameroon	Based on French civil law system, with common law influence	1972
Gabon	Based on French civil law system and customary law	1991
Ghana	Based on English common law and customary law	1993
Kenya	Based on English common law, customary law, and Islamic law	1964
Madagascar	Based on French civil law system and traditional Malagasy law	1992
Namibia	Based on Roman-Dutch law and 1990 constitution	1990
Nigeria	Based on English common law, Islamic and customary law	1999
Senegal	Based on French civil law system	1963
South Africa	Based on Roman-Dutch law and English common law	1996
Uganda	Based on English common law and customary law	1995

Sources: Economist Intelligence Unit Country Reports, Fischer World Almanac 1999,
             www.politicalresources.net, www.uni-wuerzburg.de/law

While all ten countries presently enjoy relative political stability and openness, in most of them, the post-colonial history has not been free of conflict. Four countries, Ghana, Madagascar, Nigeria and Uganda endured extended periods of military dictatorship, often related to several attempted or successful coups d' etat, political violence and an abuse of the public administration for political oppression. Cameroon, Nigeria and Uganda are encountering persisting internal conflicts, mostly following ethnic and/or religious boundaries. Even in those countries with a longer history of political stability such as Gabon, Kenya and Senegal, democracy has been confined to one-party regimes for a long time: in the case of Senegal until 1974 and in the other countries until the early 1990s. In Uganda, the restoration of a pluralist party system is still suspended by popular vote. South Africa had maintained a system of political oppression through the white minority in its own territory and in Namibia for over 40 years.

Violent and unstable as well as persisting rigid and authoritarian regimes share a similar tendency in their effect on administrative systems, eroding their functioning, transparency, and ethical standards:

- Public administrations can become instruments for the abuse of political power.
- Political power can become concentrated in the executive, eroding parliamentary and judiciary checks and balances vis-à-vis the government.
- The development of civil society movements capable of claiming their rights to good governance and protection from maladministration can be retarded.
- Political patronage can dissolve personnel selection and promotion systems based on qualification and merit, thus leading to a deprofessionalisation of the public service.

It has been argued that these tendencies deepened the public distrust in public administrations already established through the colonial systems in Africa, fostering the creation or persistence of "informal polities parallel to and competitive with the state"[16]. These informal structures are based on traditional and/or charismatic forms of power, and are often not conducive to formal concepts of administrative justice and professional ethics.

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16 Ake 1993, p. 14.

Socio-Economic Background

Public administrations in Africa also differ broadly in terms of the populations they serve, and the social and economic conditions which set the framework for their operations. The public administrations are part of the national economies. The social and the economic conditions under which the public sector personnel operates determines its functioning. The land-mass of the country and its population density determine its sheer size. The diversity of Sub-Saharan Africa in these aspects is again well reflected in the study sample.[17] Of all ten participating countries, South Africa is the biggest in terms of geographical size whereas Senegal, with about 1/6 the size of South Africa, is the smallest. Nigeria is the most populated country in absolute terms as well as in terms of population density, while Gabon has the smallest population and Namibia is the least densely populated country. With the exception of South Africa, all countries share a population growth at or above the Sub-Saharan average. The ten countries also cover a broad range of urbanisation, with a very low urban agglomeration rate in Uganda, and Gabon and South Africa being highly urbanised in comparison to other countries in the region.

Regarding health and social conditions, the ten participating countries again show a broad variance. Kenya and Uganda are the only two countries where life expectancy decreased considerably since the 1980s, and both countries also had the lowest life expectancy in 1998. In the other eight countries, life expectancy improved -- in some cases considerably -- when compared with 1980, despite high HIV infection rates in some of them. Again with the exception of Uganda, the life expectancy in 1998 was higher in all countries than the average of 50 years for Sub-Saharan Africa. Child mortality decreased considerably in six out of the ten countries, while it stagnated in two countries (Namibia and Uganda). Kenya is the only country with increasing child mortality when compared with 1980 (comparative figures for Senegal are not available). With the exception of Senegal, the adult literacy rate in 1998 was higher in all countries than the average for Sub-Saharan Africa, and all countries experienced a sharp increase in adult literacy between 1980 and 1998. This trend corresponds with high youth literacy rates (not shown in Table 4) in most countries, with literacy rates above 75 percent of all youths between the ages of 15 and 24 in eight countries. High illiteracy among adults as well as youths is persisting only in Senegal (data for Gabon are not available). In terms of school enrollment ratios, the countries for which observations are available vary broadly, with South Africa and Namibia having comparatively high primary and secondary enrolment ratios.

Six countries out of the ten are part of the World Bank - IMF initiative for "Highly Indebted Poor Countries (HIPC)"[18]: Cameroon, Ghana, Kenya, Madagascar, Senegal, and Uganda. Table 4 lists the Gross National Product for 1998, both in absolute terms and per capita, adjusted for purchasing power parity.[19]

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17 The data presented in this paragraph are mostly drawn from Table 4. Any supplementary information not shown in Table 3 is also from its specified sources.

18 For background information on the initiative, cf. World Bank 2000d, p. 201.

19 The conversion into Purchasing Power Parity Dollars assumes that one PPP Dollar has the same purchasing power over domestic GNP that the US Dollar has over the US GNP (cf. World Bank 2000d, p. 318).

Table 4: Basic Indicators of Countries

Country	Cameroon	Gabon	Ghana	Kenya	Madagascar	Namibia	Nigeria	Senegal	South Africa	Uganda	Source
Geographic and Demographic Data											
Surface Area, 1999 (000 Km2)	475	268	239	580	587	824	924	197	1221	241	1
Population, 1999 (000)	14691	1208	18949	29410	15051	1701	123897	9285	42106	21479	2
Population density, 1999 (No./km2)	32	5	83	52	26	2	136	48	34	108	1
Average annual population growth rate, 1980-98 (%)	2.8	3	3	3.1	2.8	2.7	2.9	2.7	2.3	2.7	3
Labor Force, 1999 (000)		500	9000	15000	7000	1000	50000	4000	17000	11000	1
Urban population, 1999 (% of total)	48	52	38	32	29	30	43	47	52	14	1
Urban population growth rate, 1987-97 (%)	5.2	4.8	4.4	6.9	5.9	5.8	5.2	4	2.9	5.9	4
Capital city name	**Yaounde**	**Libreville**	**Accra**	**Nairobi**	**Antananarivo**	**Windhoek**	**Abuja**	**Dakar**	**Pretoria**	**Kampala**	
Capital city population, 1997 ('000)	1178	439	1736	1902	921	199	405	1776	2796	1000	4
Social Indicators											
Total life expectancy, 1998 (years)	54	54	60	51	58	54	53	52	63	42	3
Under-five mortality rate, 1998 (% of age group)	15	13.2	9.6	12.4	14.6	11.2	11.9	12.1	8.3	17	3
Adult literacy rate, 1998 (% of age group 15+)	73.6	63.2	69.1	80.5	64.9	80.8	61.1	35.5	84.6	65	5
Gross enrollment ratio, 1997 (% of relevant age group) 1st l.	61.7	n.a.	43.4	65	58.7	91.4	n.a.	59.5	99.9	n.a.	5
2nd l.	39.8	n.a.	n.a.	61.1	n.a.	80.7	n.a.	19.8	94.9	n.a.	5
Economic Indicators											
GNP total, 1998 (in billions of PPP $)	25.9	7.9	29.8	33.1	13.1	8.2	99.7	15.4	288.7	24.5	6
GNP per Capita, 1998 (in PPP $)	1810	6660	1610	1130	900	4950	820	1710	6990	1170	6
Annual rate of inflation, 1998 (%)	1.1	-8.6	17.6	10.6	8.8	11.4	10.5	2.2	7.9	10.7	5
Total external debt as share of GNP, 1998 (%)	119.4	90.7	91.8	61.5	119.5	n.a.	78.8	83.1	18.9	58.2	5
Total external debt per capita, 1997 (in US $)	667	3796	321	228	281	n.a.	274	418	651	185	7
Net ODA as share of GNP, 1998 (%)	5.1	0.9	9.3	4.5	13.4	5.7	0.5	10.6	0.5	7.1	5
Net ODA per capita, 1998 (in US $)	29.6	37.7	38	16.2	33.9	108.4	1.7	55.6	12.4	22.5	5
Foreign direct investment, 1998 (% of GDP)	0.6	-0.9	0.7	0.1	0.4	n.a.	2.5	0.9	0.4	3	3
Government Finance											
Government expenditure and net lending, 1998 (% of GDP)	17.8	31.9	27.7	28.8	18.1	39.7	24	17.8	34.5	15.9	8
Government wages and salaries, 1998 (% of total gov exp)	27.8	21.4	19.5	31.2	20.3	44.8	17.7	32.1	36.8	20.6	8
Government interest payments, 1998 (% of total gov exp)	32.1	22.7	22.9	19.7	12.6	n.a.	7.2	9.6	19.8	6.1	8
UNDP Human Development Index 1998 (rank)	134	123	129	138	141	115	151	155	103	158	5

n.a.:   Information not available

Sources:

1 World Bank, World Development Report 2000
2 World Bank, World Development Indicators database 2000
3 World Bank, World Development Indicators 2000
4 UN Economic Commission for Africa, Africa in Figures 1998
5 UNDP, Human Development Report 2000
6 World Bank, World Development Report 1999
7 Calculation based on figures from World Bank: African Development Indicators 2000 and U.N. Population Division: medium variant population projection 1996
8 World Bank, African Development Indicators 2000

In absolute terms, South Africa had by far the highest Gross National Product (GNP), followed by Nigeria and Kenya, while Namibia and Gabon had the smallest. Calculated into a GDP per capita ratio, however, it turns out, that South Africa and Gabon had almost similarly high values, considerably higher than the other countries in the sample. This demonstrates the economic diversity in the sample: South Africa and Nigeria are the two largest and most industrialised countries. In the case of Nigeria, a comparatively high GDP was absorbed by the highest population density. On the other hand, Namibia and Gabon can be described as countries where a GNP driven by mineral exports can be at least statistically distributed over small populations.

With the exception of three West African francophone countries: Cameroon, Gabon and Senegal, all countries face an annual inflation rate of above seven percent.[20] The Ghanaian Cedi was by far the most devalued currency in 1998. All countries, again with the exception of South Africa, have to face a considerably high external debt burden, when measured against the Gross National Product. In Cameroon and Madagascar, external debt exceeded the GNP in 1998. In Ghana, GNP and external debt were almost equal. In all of the countries, external debt exceeded official development assistance (ODA) received in 1998. If measured against the GNP, however, the countries show again a broad variance. While ODA is only marginal to the GNP in the fuel and mineral exporting countries such as Gabon, Nigeria and South Africa, it makes up for over 13 percent of the GNP of Madagascar, considerably more than in most of the other countries. A comparison of the 1998 ODA figures with those for 1993 shows, furthermore, that behind the figures shown in Table 4, there is a decrease in aid dependency (measured as net ODA flow against the GNP). In five out of the 10 countries, there was a decrease -- in the case of Kenya and Uganda at a steep rate --

from almost 20 percent in 1993 to 4.5 percent and 7 percent respectively. In two countries, Madagascar and Senegal, the ODA rate increased slightly while in three countries it remained stable.

None of the countries attracts high levels of foreign direct investment, if measured against the GDP. The two countries with the highest net foreign direct investment shares in 1998 were Uganda and Nigeria. In seven other countries, net foreign investment was below one percent of the GDP. In the case of Gabon, capital outflow outweighed foreign investment.

Regarding the size of the state in the national economies, the ten countries show two rather distinct clusters. In the first cluster with Gabon, Ghana, Kenya, Namibia and South Africa, government expenditure as a share of the GNP is around 30 percent or above, and can be as high as 40 percent, as in the case of Namibia. Throughout the world, these shares are more typical for upper-middle and high- income national economies. In the other five countries, government expenditure makes up for 15 percent to 20 percent of the GNP, a pattern more typical for low and lower middle income economies. Following a general pattern, the size of the state was stable or expanded during the 1990s in seven out of the eight countries for which information is available. Only Gabon faced a diminishing share of government expenditure in its GNP (no observations for Nigeria and Senegal). In all ten countries, personnel cost (wages and salaries) make up between 20 and 45 percent of total government expenditure. These shares are quite high, even compared with other low and middle income economies worldwide. Five countries in the sample had to allocate 20 percent or more of their government expenditure in 1998 for interest payment. In three countries (Cameroon, Kenya and South Africa) personnel cost and interest payments constituted more than 50 percent of government expenditure, leaving only limited room for programme and capital expenditure.

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20 These three countries participate in a regional monetary union, the "Communauté Financière Africaine" for West Africa and for Central Africa, setting limits to their national monetary policies.

Perceived Corruption

Considering the range of geographic, economic, social, political and administrative conditions mentioned in the previous sections, it is also interesting to look at the perceived levels of corruption for the countries in the study sample. Transparency International, an international non-governmental organisation dedicated to anti-corruption activities, issues an annual Corruption Perception Index (CPI). The CPI index ranks countries "in terms of the degree to which corruption is perceived to exist among public officials and politicians."[21] As a composite index, it includes at least three polls and surveys per country on corruption, carried out by independent research institutions. The surveys are carried out among the business communities, the general public and country analysts and experts. Out of a score of 10, the higher the score, the more transparent and less corrupt a country is perceived to be. Admittedly a very rudimentary tool with methodological limitations, the CPI can still serve as a broad gauge of how countries are perceived by those conducting businesses, potential investors, and the public. Besides, empirical research could, in some cases, prove that corruption, as measured through perception surveys, usually does not stand as a single phenomenon. In fact, it is often accompanied by policy distortions, inequality of income and lack of economic competition.[22]

The countries in this survey are perceived to have varying levels of corruption. Eight have been included with the CPI Index in 2000 and seven in 1999 (see Table 5). Gabon and Madagascar are still not covered. Namibia and South Africa are perceived to be the least corrupt countries in the sample. In the CPI 2000 ranking of 90 countries, both claim a rank in the middle field, ahead of countries like Italy or Greece, but still perceived to be more susceptible to official corruption than many industrialised countries in the northern hemisphere. In a regional ranking of 19 Sub-Saharan African countries, also published by Transparency International, these two countries rank on top, only after Botswana. Ghana and Senegal are also ranked above the regional average, while the other four countries included with the survey rank considerably below the regional average, and in the lower quartile of the ranking for all 90 countries. Five of the countries had already been included in older CPI surveys between 1995 and 1999. While a strict statistical analysis of these time series is considered problematic, they allow still for the general interpretation that the problematic image these countries have is persisting and consistent. However, in interpreting these results, it should also be kept in mind that scandals and negative events with broader media coverage seem to have a more immediate influence on public perception and opinion than anti-corruption policy development and implementation which absorb more time and receive less public attention. Transparency International acknowledged that the manifold present policy efforts in Sub-Saharan Africa still need time in order to engender a more positive perception of anti-corruption efforts among experts and the general population.[23]

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21 Background statement to the 2000 Corruption Perception Index (http://www.gwdg.de/~uwvw/). An in-depth methodological explanation of the CPI can be found in: (http://www.gwdg.de/ ~uwvw/2000_CPI_FD.pdf).

22 For an overview of actual research see Lambsdorff 1999.

23 The New York Times of 16 September 2000, p. 8, The Economist of 1 November 2000.

Table 5: Perceived Corruption Rankings for Study Countries

Regional Rank 2000	Country	Corruption Perception Index				
		2000	1999	1997	1996	1995
1	Botswana	6.0				
2	Namibia	5.4	5.3			
3	South Africa	5.0	5.0	4.9	5.7	5.6
4	Mauritius	4.7				
5	Malawi	4.1				
6	Ghana	3.5				
6	Senegal	3.5	3.4			
8	Zambia	3.4				
	- Regional Average -					
9	Ethiopia	3.2				
10	Burkina Faso	3.0				
10	Zimbabwe	3.0				
12	Côte d'Ivoire	2.7				
13	Tanzania	2.5				
14	Uganda	2.3	2.2		2.7	
15	Mozambique	2.2				
16	Kenya	2.1	2.0		2.25	
17	Cameroon	2.0	1.5		2.5	
18	Angola	1.7				
19	Nigeria	1.2	1.6	1.8	0.7	

Source: Transparency International Corruption Perception Indices 2000-1995; Transparency International (ed.), The Precision and Regional Comparison of Perceived Levels of Corruption - Interpreting the Results. Background Paper to the 2000 Corruption Perceptions Index (http://www.gwdg.de/~uwvw/2000_CPI_Precision.pdf).

Since public servants are part of the "demand" side of the corruption equation, corruption perception surveys such as the Transparency International's CPI are but one source of information to determine the level of ethical environment being provided for the interface between public administrations and their clients.

The Index, albeit slow in its reaction to policy improvements, can serve as one among other external indicators of improvement in the conduct of the public service over a longer observation period.

Research Questions

The facets presented in this chapter -- historical background, political and social environment, economic performance and state finances, and the perception of corruption among the population – together show the widely varying conditions under which the countries participating in this study must govern and deliver public services. These factors profile:

- the populations that must be served and the conditions under which they live,
- the personnel pool, from which public administrations can draw for their recruitment,

- the availability of resources and thus the scope of feasible policy options for public sector reform,
- the political framework setting up the operating conditions for public services and the scope for the implementation of public sector reforms.

Taking these factors into account, the research framework on public service ethics in Africa presented in this study tries to describe the "ethics infrastructure", as presented in Chapter 1, existing in the ten participating countries. The underlying assumption is that an ethics infrastructure for the public service (see Table 1 in Chapter 1):

- provides a framework of values and legal standards giving guidance to members of the public service in their decision making, preventing ambivalence and maladministration,
- offers management and oversight instruments for monitoring the implementation of these values and standards,
- ensures appropriate control over the incorporation of the guiding values and standards into administrative work, and
- provides possibilities for enforcement and sanction.

For the assessment of whether the ethics infrastructure in the participating countries fulfill each of the functions mentioned above, the following questions are addressed in this study:

- Have guiding values for the public service been stated, and have they been translated into corresponding legal and administrative standards?

- Is there a visible commitment from the political leadership towards the enhancement of these values and standards?
- In what form are these values and standards communicated to the public service? Is there formal training?
- Do the working conditions in the public sector allow for the maintenance of these values and standards?
- Is there a coordination mechanism, a special body or management agency for the maintenance of these values and standards?
- Are the values and standards translated into administrative policies, practices and procedures?
- Is there a legal framework for the enforcement of the ethical framework for the administration? Are there sanctions for the contravention of this framework? To which extent are they used?
- Are there effective mechanisms for the allocation of accountability within the administration?
- How far is the public involved in the enhancement of the values and standards for the public administration, and in overseeing the fight against maladministration and corruption?

These questions have been translated into more specific survey issues listed in Table 1 in Chapter 1. They will be addressed in the following chapters.

CHAPTER 3: PUBLIC SERVICE STRUCTURES

To contextualise how the conduct of public servants is managed, the study tried to get a basic overview of the structure of the public service in each sample country. Considering that basic information on public administration is often limited or inaccessible in many Sub-Saharan countries, the study tried to acquire this information first hand rather than relying solely on secondary sources. Thus some pertinent basic government organisation, employment and public service salary regime statistics were collected and compared.

Government Organisation

First, for the number of ministries and independent statutory agencies in 1998, the figures range from 22 in Uganda to 42 in Gabon (see Table 6). In considering the number of ministries and agencies, it should be borne in mind that they are usually headed by at least one, sometimes more, ministerial ranking public official with the requisite attendant administrative units and personnel.

In addition, the countries reported a range from six central level administrative regions in Madagascar to 68 in Kenya in 1998. It is interesting to note that half of the countries show an increase in the number of administrative regions for the period of 1988 to 1998, suggesting a geographical deconcentration of central government administration during the ten-year period.

Public Service Employment

Second, to facilitate comparison, public service employment figures were reflected as the ratio of population served per central government employee (see Chart 1). Based on this ratio, the figures ranged from 31 people served by one central government employee in Namibia to 1,705 in Uganda in 1998. This is a huge range, perhaps indicating the difference in the degree of centralisation and concentration of the central administration among the sample countries. Logically, it follows that the country with the greatest number of central level public employee per population is Namibia.

Table 6: Ministries and Administrative Regions

Country	Number of Ministries			Number of Administrative Regions		
	1998	1993	1988	1998	1993	1988
Cameroon	27	20	20	10	10	7
Gabon	42	36	44	9	9	9
Ghana	20	20	n.a.*	10	10	10
Kenya	26	30	n.a.	68	53	42
Madagascar	32	31	22	6	6	6
Namibia	23	n.a.	n.a.	13	n.a.	n.a.
Nigeria	31	30	30	36	30	21
Senegal	27	n.a.	n.a.	10	10	10
South Africa	31	40	36	9	4	4
Uganda	22	41	47	45	39	33

* n.a. = not available

Chart 1: Population Served per Central Government Employee

Country	1998	1993	1988
Cameroon	90.5		
Gabon	96.8		56.5
Ghana	59.9		85.8
Kenya	121.3		178.7
Madagascar	324.3	568.6	547.4
Namibia	31.4		
Nigeria	286.7	477.2	325.2
Senegal	153.9	186.5	223.3
South Africa	104.3	207.8	557.6
Uganda	1006.0	1705.3	
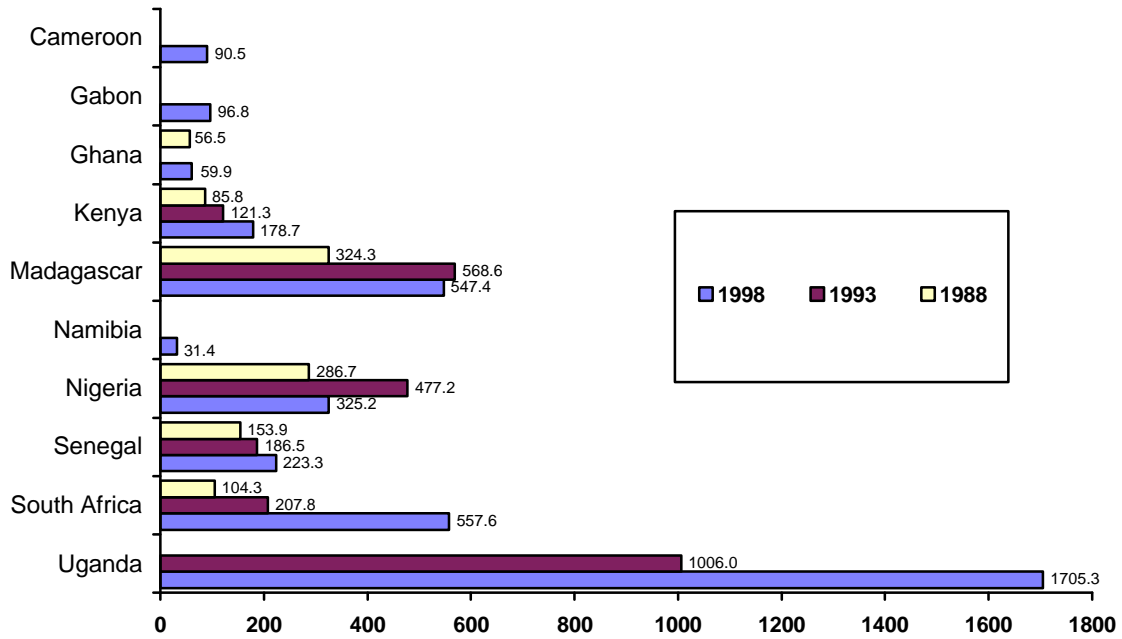
Chart 2: Central Government Employees to Total Workforce

Country	1998	1993	1988
Cameroon	2.2		
Gabon	2.0		3.5
Ghana	3.3		2.5
Kenya	1.1	1.7	0.6
Madagascar	0.3	0.4	
Namibia	6.1		0.7
Nigeria	0.4	0.6	1.3
Senegal	1.1	0.9	1.7
South Africa	0.8	0.3	
Uganda	0.2	0.1	
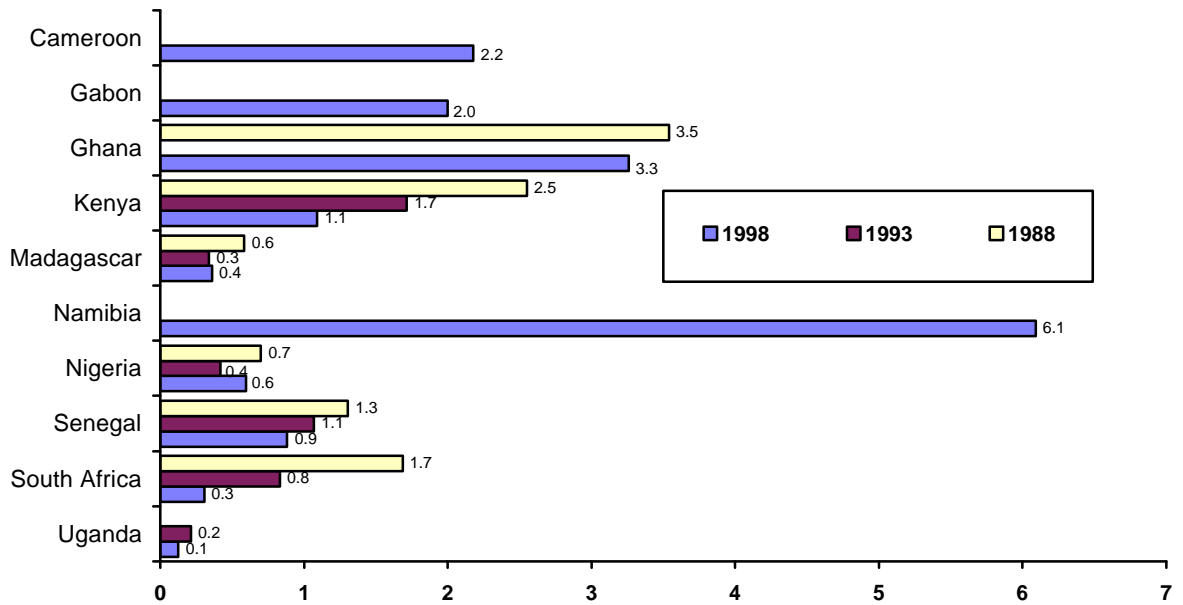
This observation is supported by the fact that Namibia also has the highest share of central government employees of the total workforce at 6.1 percent. Further, other countries with small populations in West Africa also have high shares of central government employees of total workforce with Ghana at 3.3 percent, Cameroon at 2.2 percent and Gabon at 2 percent (see Chart 2).

In considering longitudinal trends, for those countries where the ratio of the population served to central government employees is increasing (Kenya, Senegal, South Africa and Uganda), this fact may be due to a greater degree of decentralisation than for those countries where this phenomenon is not observed. Certainly, in the case of Uganda where considerable efforts have been spent in decentralisation, the statistics would support the success of those efforts.

Public Service Salary Structure

Since public service salary levels have figured prominently in the ethics and corruption debates, the study attempted to get a picture of the salary structures in the sample countries. Specific questions were asked about salary levels and compressions.

Out of the ten countries, seven countries reported that salaries have been regularly paid and only one country, South Africa, described public sector salaries as having kept up with inflation and in parity with private sector salaries (see Table 7 and Box 4).

Box 4: Comments on Irregular Salary Payments

Nigeria:
" The Federal Government recently (May 2000) increased the salary of Public Servants. (…) However, many of the 36 State Governments have indicated their inability to pay the minimum wage. Public service salaries are presently paid on a more regular basis, but have not kept up with inflation."

Uganda:
"access to the payroll is slow, resulting in an accumulation which takes a long time to be cleared. In other cases, salaries come towards the end of the next month if not in the following month."

Table 7: Salary Payments

	CMR	GAB	GHA	KEN	MDG	NAM	NGA	SEN	SAF	UGA
Regular Payment	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
Inflation Adjustment	No	No	No	No	No	No	No	No	Yes	No
Competitiveness with the Private Sector	No	No	No	No	No	No	No	No	Yes	No

Countries: CMR=Cameroon, GAB=Gabon, GHA=Ghana, KEN=Kenya, MDG=Madagascar, NAM=Namibia, NGA=Nigeria, SEN=Senegal, SAF=South Africa, UGA=Uganda

Of the nine countries where wages have not kept up with inflation, Madagascar describes the differences of magnitude among the different levels of the public service.   South Africa, which reported that the wages had kept up, also comments on the differences of wage trends along the hierarchy of the administration (see Box 5).

Box 5: Comments on Effects of Inflation on Salaries

Madagascar:
"In 1973, the currency exchange rate was 225 franc malgache (FMG) for one US Dollar. In 1999, the rate was 6,737 FMG – thirty times more. Public sector salaries have been decreasing considerably in the long term. The average monthly remuneration of middle level managers fell from US$ 602 in 1960 to US$ 78 in 1990, and did not increase to US$ 82 until 1997. The average monthly remuneration for senior managers fell from US$ 900 in 1997 to US$ 321 in 1990 and US$ 170 in 1997. This resulted, on the one hand, in a fall in purchasing power, and, on the other hand, a compression in salaries. The ratio between the maximum and minimum incomes in 1998 was 4.47, whereas it was 11.66 in 1960."

South Africa:
"In 1996, there was a real increase for the lowest third of public sector employees. The middle echelon salary levels remained fairly static, whilst the top management salaries could be said to have declined in real terms."

Comparing public and private sector salaries, Nigeria, a country that considers that there is no overall wage parity between the two sectors, reports that adjustments have been made recently, mostly at the highest level and in state enterprises. South Africa, which does consider that there is overall wage parity, makes a distinction between support and professional workers (see Box 6).

For the highest and lowest salaries, South Africa indicated the most generous salaries with the range being US$ 60,273 at the highest level and US$ 4,964 at the lowest. Conversely, Gabon reported the lowest salaries with the range being US$ 1,224 at the highest level and US$ 327 at the lowest (see Chart 3).

Box 6: Comments on Comparison of Public and Private Sector Salaries

Nigeria:
"The Federal Government recently (May 2000) increased the salary of Public Servants. The minimum wages are now 7,500 (nairas) for Federal Civil Servants and 5,500 (nairas) for the States. The highest paid Civil Servant on Grade Level 17 will earn about 900,000 (nairas) per annum. This is now comparable with what is found in the private sector, especially the banks and oil companies. However, many of the 36 State Governments have indicated their inability to pay the minimum wage."

South Africa:
"In most provinces, the lowest paid civil servants earn at least 30% more than the average wage. The middle echelon generally matches the private sector. The lowest paid workers are, on average, earning better salaries than the market, but skilled professionals such as doctors, accountants, and attorneys, employed in the public sector generally earn less than the market equivalent."

Chart 3: Central Government Salary Ranges in US$ (1998)
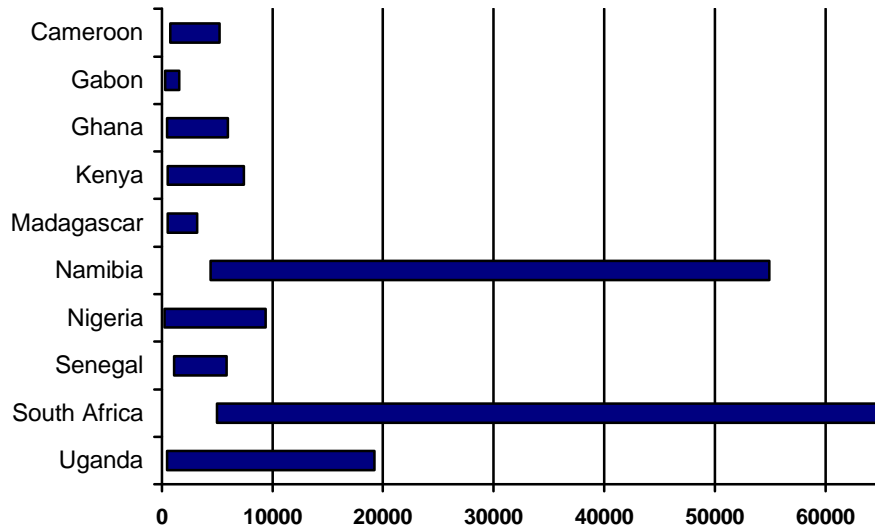
Country	lowest salary (in US$ 1998)	highest salary (in US$ 1998)
Cameroon	794	4,436
Gabon	327	1,224
Ghana	462	5,480
Kenya	513	6,898
Madagascar	528	2,644
Namibia	4,411	50,483
Nigeria	228	9,138
Senegal	1,106	4,729
South Africa	4,964	60,273
Uganda	471	18,768

Chart 4: Public Sector Salary Compression Rates
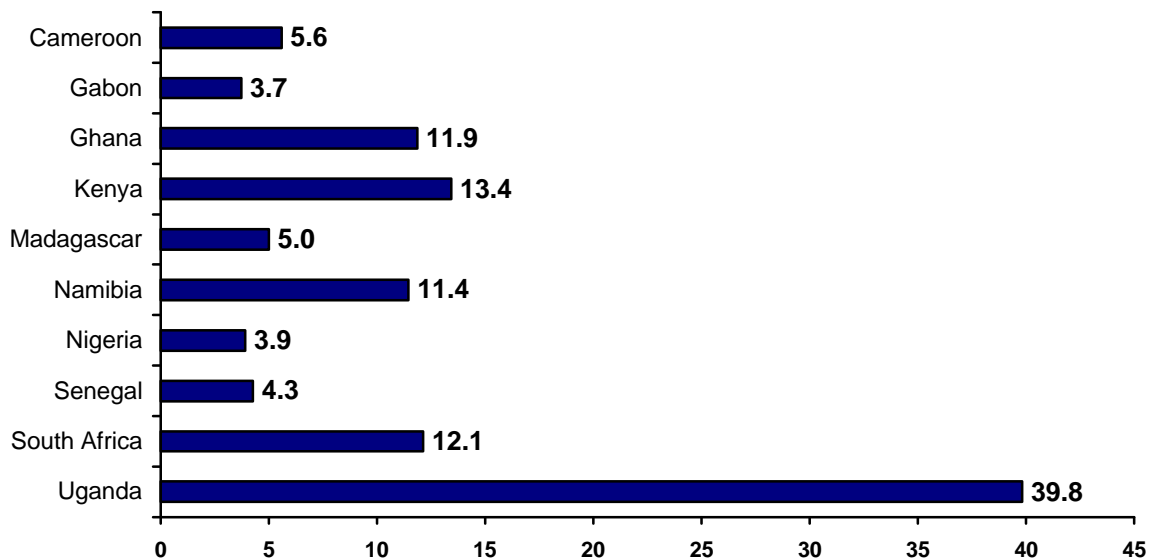
In terms of salary compression, Uganda was the least compressed with Gabon, Nigeria, and Senegal the most compressed. In the former country, the top salary was about 40 times more than the bottom salary. In the latter three countries, the top salary was only about four times the bottom salary (see Chart 4). Such a salary compression would not only result in a flight of talent from the top echelons of the public service to the private sector but also inadequately serve as promotional incentives for the rest of the public servants (see Box 7).

Box 7: Salary Compression

Senegal: (*Programme National de Bonne Gouvernance: Diagnostic et Eléments de Strategie*, 1998, p. 6)

"Despite the weighting of public payroll, the salary levels are not incentives enough given purchasing power. Statistically, the average salary in the administration is from 216,000 FCFA whereas more than half earn less than 200,000 FCFA. The salary range is characterised by compression between the hierarchies. This situation favours not only many departures among those most performing elements but also contributes to a deterioration of the quality of the public service and adds to unconventional practices, notably corruption."

Public Service Management

One of the major findings of the study was that there seems to be a lack of systematic data collection, or, at best, rather an ad hoc collection, on basic public service information in the sample countries. Of the nine countries for which there was information, only three (Gabon, Kenya and South Africa) indicated that there is regular reporting on public service figures. There is a consensus among the national consultants that a systematic collection of such data would facilitate not only the management of conduct but of all aspects of management of the public service. (See Annex 3: Contacts for Public Service Personnel Statistics.)

Because of the differences in the nomenclature of the organisations that are responsible for the public service, the survey attempted to get a sense of the functions and the relationship among the organisations involved in each study country. For instance, it was not always clear that the public service commission played its traditional role of a "watchdog" over the public service. In some cases, as in the case of Ghana, it is involved in the management of public servants, which is usually the responsibility of a public service ministry.

Based on the descriptions provided by each country, the responsibility for the public service can be analysed by three basic functions: setting the policy framework, human resources management, and oversight. More concretely, setting the policy framework would entail setting guidelines for recruitment, promotion, retirement, and appropriate financial regulations to be observed. Human resources management would be to apply the policy guidelines through assisting the line departments to implement them in a uniform fashion across the public service. Oversight would entail an independent monitoring and evaluation of both the policy setting and human resources management processes. If the information provided by the countries is sifted according to this simple framework, it is possible to ascertain which organisations responsible for managing the public service carries out the three functions described in this section (see Table 8 for an attempt at such a classification).

TABLE 8: Agencies Responsible for Public Service Management

Country	Policy Setting (Human resources and financial regulations)	Policy Implementation (Day-to-day management)	Oversight (Performance monitoring)
Cameroon	Prime Ministry, Presidency, Ministry of Economy and Finance	Ministry of Public Service, Ministry of Territorial Administration	n.a.*
Gabon	Ministère des Finances	Ministère de la Fonction Publique	n.a.
Ghana	Ministry of Finance, National Development Planning Committee, Public Service Commission, Office of Head of Civil Service, Ministry of Local Government and Rural Development	Public Service Commission	Office of Head of Civil Service, Ministry of Local Government and Rural Development
Kenya	Public Service Commission, Treasury	Directorate of Personnel Management	Inspectorate of State Corporations, Head of Civil Service and Secretary to Cabinet,
Madagascar	Conseil Supérieur de la Fonction Publique,	Direction Générale de la Fonction Publique, Direction de la Gestion Financière du Personnel de l'Etat	Comité de Pilotage de la Réhabilitation de la Gestion, Commission des Affaires Sociales
Namibia	Public Service Commission (advisory)	Office of the Prime Minister	Cabinet
Nigeria	Federal Civil Service Commission, Presidency, Judicial Service Commission, National Planning Committee	Establishment and Management Services, Code of Conduct Bureau, Federal Civil Service Commission	Federal Civil Service Commission, Presidency, Code of Conduct Tribunal, Code of Conduct Bureau
Senegal	Ministère de la Fonction Publique, du Travail et de l'Emploi, Ministère de l'Economie et des Finances	Ministère de la Fonction Publique, du Travail et de l'Emploi, Agence d'Exécution des Travaux d'Intérêt Public, Agence de Développement Municipal	Commission de Vérification des Comptes et de Contrôle des Entreprises Publiques
South Africa	Public Service Commission	Department of Public Service and Administration	Parliamentary Standing Committee
Uganda	Public Service Commission	Ministry of Public Service	Public Service Commission, Education Service Commission, Judicial Service Commission

n.a. = not available

The emerging picture of the central public service structures among the sample countries is a highly differentiated one. There is a great range in the numbers of ministries and central administrative regions. However, more administrative regions have been created within the last ten years, indicating a growing geographical decentralisation.

Some countries show large numbers of central government employees in relation to the population served and as a share of the total workforce. Others show comparatively few, raising the question of whether the sub-national levels of governments have stepped in providing services. However, this question could not be approached empirically in this study since the availability of personnel data for provincial and local levels of government was highly restricted in each of the countries under survey.

There is also a high degree of differentiation in salary structures, in terms of salary compression ranges and in comparison with private sector wages. Regarding wage differences between public and private sectors, the study sample shows that it is important to ascertain at which level in the hierarchy and for what types of skills a comparison is made.

Observations by the national consultants indicate that in those countries where public sector salaries have been adjusted to the private sector, such as in South Africa or Nigeria, this affects mainly the highest ranks where there is a high level of competition with the private sector for skilled personnel. Lower and middle management ranks are affected to a lesser extent. In almost no country have wages kept up with inflation, showing this to be an issue to be addressed across the board.

Public service structure and conditions of employment have a direct bearing on the conduct of public servants. Government employees that are flung out in the regions are more difficult to supervise from headquarters and may need special types of training and performance monitoring. Similarly, public servants who must serve large numbers of clients may develop monopolies on their services, thus facilitating extortion and other irregular fees. Finally, when wages are insufficient to support a family, it becomes more difficult to curb moonlighting and demands for speed money. In considering ethics and anti-corruption policies, they must be viewed as an integral component of any overall public service reform that tackles structural issues.

CHAPTER 4: PAST PUBLIC SERVICE ETHICS AND ANTI-CORRUPTION INITIATIVES

The enhancement of public service ethics and the fight against corruption has gained considerable attention as an international issue and as a regional issue in Africa. The international initiatives of the United Nations in this field have already been outlined in Chapter 1. International organisations such as the International Monetary Fund (IMF) or the World Bank increasingly see the fight against corruption as an integral part of their loan programmes and have recently addressed this issue intensively in their policy research programmes. The International Anti-Corruption Conference organising committee, as an international forum devoted to the fight against corruption, held its latest international conference in 1999 in Durban, South Africa. The conference was able to address particularly regional issues in the context of corruption and public service ethics. A standing conference of Pan-African Ministers of the Civil Service, with support from the African Training & Research Centre for Development (CAFRAD) and UN DESA, is finalising a public service charter and a regional code of conduct for the African public services. These are just a few examples. This study attempted to form a picture of recent specific initiatives to promote public service ethics or combat corruption at the national level in the ten participating countries, complementing these international and regional initiatives. In this endeavour, the project's national consultants were asked to identify and summarise the five most important related studies and campaigns within the past ten years. Responses indicate that most of the studies and campaigns cited took place in the late 1990s, particularly from 1998 onwards. One inference that can be drawn is that the sample countries have had a heightened awareness of these issues in the last several years (see Table 9).

The studies and campaigns listed can be seen to be falling into several categories:

- those focusing on public or service users' perceptions of corruption,
- those dealing specifically with the conduct of public sector employees,
- those treating governance or ethics-in-society at large.

Perceptions of Corruption Studies

Nine of the ten countries, with the exception of Kenya, listed either a public opinion poll on perceptions of corruption or a client or users' survey on service delivery. These were usually carried out in the context of promoting good governance or democratisation (see Box 8).

Public Service Ethics Campaigns

Of the countries that reported public service ethics initiatives, about five (Cameroon, Namibia, Nigeria, South Africa, and Uganda) can be considered "campaigns." These have taken the forms of code of conduct exercises, public service charters, circulation of leaflets and speeches within the public service, and public awareness campaigns. Other countries, by contrast, have described some of the obstacles to promoting ethics in the public service such as a lack of uniform texts on public service ethics, a lack of familiarity with the ethics regime by most public servants, and a lack of resources to actively promote ethics (see Box 9).

Governance or Ethics in Society-at-large Initiatives

South Africa reported two initiatives that dealt with ethics beyond the public service which might provide examples for the region. The first was the Moral Summit, held in October 1998, which brought together the country's religious and other leaders to sign a Code of Conduct and adopt a humanitarian ethics pledge ("ubuntu" or "common humanity").   The second was the introduction of the South African NGO Coalition (SANGOCO) *Code of Ethics* in September 1997. This code of ethics was adopted by the members of SANGOCO to set NGOs "a standard which is far higher than the minimum requirements of the law."

The *Code of Ethics* provides a challenge to other sectors to identify their core values around the issues of governance, accountability and management.

The anti-corruption studies and the public service ethics campaigns that have taken place in recent years show that much attention has focused on these issues. The perception on corruption studies in the sample countries indicate a high degree of mistrust of the government by the citizens. Whether their perceptions are accurate or exaggerated views of actual levels of problems, it is still important to address the issue of citizens' confidence in government.

Box 8: Sample Studies of Perception of Corruption

Ghana: Center for Democracy and Development Research Paper No. 2, November 1999
          Consultant's Description
"*The survey sampled 2000 respondents across the ten regions of Ghana. Given the broad process of re-democratisation of Africa, including Ghana, there was a need to assess respondents' views on democracy, reforms, and attitudes towards the rule of law. One major finding was the widespread public perceptions of official corruption in Ghana. 84.9% thought bribery was common among public officials. Most often cited agencies making illegal requests are the police (38.6%), educational institutions (17.0%) and other 'civil servants' (16.2%).*"

Senegal: Ministry of State Modernisation, Survey of Public Service Users, Dakar, July 1999, p. 16
          Based on focus groups of 33 participants around the country.
"(The respondents) heartily denounced the lack of transparency in the management of state resources at the central administration level as well as for the deconcentrated services and for the local collectivities.
The respondents evoked with much interest the problems of a dysfunctional public service, due to long and fastidious procedures. Specifically, they deplored ... the practice of misappropriations and the waste of public funds, the active and passive corruption, clear ineffectiveness, and the professional neglect of the public servants in the exercise of their duties."

Table 9: Recent Studies and Campaigns on Public Service Ethics and Anti-Corruption Initiatives

Country	**Studies**	**Campaigns**
CMR	Gerddes (ed.), *De la corruption au Cameroun / Corruption in Cameroon*, Friedrich Ebert Stiftung: Yaoundé 1999 Ecole Nationale d' Administration et de Magistrature (ed.), *Séminaire national sur la lutte contre la corruption/National Seminar on Combatting Corruption*, Yaoundé 1999 *Programme national de gouvernance/National Governance Programme* (Gouvernement Camerounais et PNUD: 1998/1999)	Campagne nationale (mars-avril1998: radio-telévision, presse écrite 1 mois)/National Campaign (March/April 1998: radio, television, press, 1 month) Campagne permanente dans les ministères ou agences, à travers des affiches et des discours périodiques/Permanent campaign in the ministries and agencies, by means of posters and periodic speeches Lutte contre la corruption et pour la Transparence, mars 1999/Fight against corruption and for Transparency, March 1999 Réunions annuelles des responsables des services centraux et extérieurs de chaque ministère ou grande administration autonome/Annual meetings of managers of the central administration and outside of each ministry or large autonomous administration Discours des autorités, notamment le message à la Nation du Président de la République le 31 decémbre 1998/Leaders' speeches, notably the Presidential address to the nation
GAB	*Etude sur l'image de l'Administration Gabonaise/Study on the Image of the Gabonese Administration* Enquête d'opinion auprès des usagers de l'Administration /Opinion Survey Among the Service Users of the Administration	information not available
GHA	Center for Democracy and Development (CDD) Research Paper No.1, *Public Perceptions of Corruption in the Delivery of Health Care and Education Services*, 1998: sponsored by DANIDA. CDD Research Paper No. 2*, Popular Attitudes Towards Democracy and Markets in Ghana*, November 1999 Kwame Karikari (et.al.), Institute of Economic Affairs Occasional Paper No.4, *Democratic Governance in Ghana Under the 1992 Constitution*, July 1996	National Integrity Workshop, *Towards a Collective Plan of Action for the Creation of National Integrity System*, Accra: October 1998
KEN	Kibwana K. and Okech Owiti (eds.), *An Anatomy of Corruption in Kenya*	information not available
MDG	Etat des lieux du régime disciplinaire et de la déontologie des agents de l'Etat/The State of the Disciplinary Regime and Ethics of Public Servants Enquête auprès des usagers (du système judiciaire)/ Survey among Users of the Judiciary	information not available
NAM	National Democratic Institute, public opinion poll, 1998	*Public Service Charter,* launched 29/10/97
NGA	World Bank Survey Buheri, Mohamed, *Leadership and Accountability in a Period of Crisis* Civil Liberties Organization, Annual Report 1998, Lagos Bande, T. M. and S.S. Muhamad, *Making Governments in Africa Transparent*, CAFRAD 2000	*Operation Excellence for the Promotion of Hardwork and Honesty in the Public Service,* 1988 – 91 Sponsored media discussions on the anti-corruption law and anti-corruption commission, 2000
SEN	*Programme National de Bonne Gouvernance/National Programme on Good Governance* (March 1998) *Enquête auprès des usagers du Service Public/ Survey of Public Service Users* (July 1999)	Concertation Nationale sur le Service Public et la Bonne Gouvernance (ouverte en juillet 1999)/National consultation on the Public Service and Good Governance (opened in July 1999)
SAF	Statistics South Africa, *Victims of Crime Survey*,1998 Institute for Democracy in South Africa (IDASA) Public Opinion Service (POS) Surveys, *Tracking Public Perceptions of Official Corruption in South Africa (1995-1999)* Human Sciences Research Council (HSRC), *Household Surveys* (1998/1999) Public Service Commission, *Fighting Corruption* Series, University of South Africa Press: 1999 Transparency International, *Corruption Perception Index*, 1998, 1999	*National Anti-Corruption Summit*, 14-15 April 1999 *Public Sector Anti-Corruption Summit*, 10-11 November 1998 *The Moral Summit,* October 1998 South African NGO Coalition (SANGOCO), *Code of Ethics,* September 1997 *Public Service Commission Code of Conduct*, June 1997
UGA	Community Information and Epidemiological Technologies (CIET INTERNATIONAL) & World Bank Institute, *National Integrity Survey* (NIS) 1998	Enactment of the *Leadership Code Act*, 1992. Establishment of the Ministry of Ethics and Integrity, 1998 The 2nd African Governance Forum (AGF II), 1998.

And some descriptions of the public service ethics campaigns show that they can be improved through better communication of val-

ues and standards as well as the allocation of more resources devoted to these efforts.

Despite these sobering findings, the bright side is that there is the possibility to mobilise the entire society in the effort to improve morality society-wide, as amply demonstrated by the example of South Africa's activities by religious and NGO leaders.

Box 9: Comments on Obstacles to Promoting Ethics in the Public Service

Kenya:
"Until 1996, there was no agency specifically responsible for fighting corruption in Kenya. Up to that point, public service ethics was promoted by the Directorate of Personnel Management (DPM), but only during periods of induction into the service. The DPM's work has, however, been hampered by the lack of a well- articulated and unified document on public service ethics. Insufficient funds have been another limiting factor. The Code of Regulations has been the main document on public ethics. Currently the government is drafting a uniform national code of ethics. Since 1997, the government has established an organisation called Kenya Anti Corruption Authority (KACA) with the mandate to fight corruption and promote public service ethics. However, since its establishment, it has not been very active in the fight against corruption, partly because of inadequate staff. It started serious work only in December 1999. Currently, it has about one third of the required staff."

Madagascar:
"In order to identify the technical actions to be implemented within the framework of the public service reform, the General Directorate for the Public Service developed several studies in July 1998. One among these consisted of establishing the state of ethics and disciplinary regime...The study... shows two fundamental results: 1) The disciplinary regime is not adapted to the situation and ineffective. 2) Ethics remain unknown. The public servants and their clients interviewed throughout the country did not know anything about what all this could be. Only one out of five heads of the units interviewed was able to talk about it in a reasonably accurate manner. This sombre situation may be explained by three main reasons: 1) The laws and regulations related to the disciplinary regime are scattered over several legal texts. They are unrelated , incoherent, and unknown to the civil servants. 2) The disciplinary codes are still very recent, incomplete, and not yet fully implemented. They remain unknown to supervisors and their staff in the public service. 3) The civil servants are frustrated and demotivated."

CHAPTER 5: GUIDANCE FOR CONDUCT IN THE PUBLIC SERVICE

The first four chapters of this report provided the background to the study, by describing its rationale and methodology, setting the context of the issues surveyed, and describing their public service structures and past ethics and anti-corruption initiatives. Chapters 5 to 7 will deal directly with the three functions of the ethics infrastructure, mentioned in Chapter 1. Broadly, the ethics infrastructure -- or those legal, administrative and practical measures that work together to encourage good conduct in the public service -- serve to guide, manage, and control the professional conduct of public servants.

In this chapter, guidance on desired conduct for public servants and the prevention of unethical behaviour will be explored. The study addressed the bedrock of public service professionalism and integrity through asking questions about stated values and how they were translated into enforceable standards. These standards can be legal or administrative rules that need to be observed.

In providing a framework for guiding public servants to carry out proper behaviour, both aspirational and disciplinary means can be used. Values fall under aspirational means, as they are to encourage public servants to the ideals of the public service and irreproachable behaviour. Codes of conduct can be either aspirational or disciplinary or both in the sense that they outline desirable states of behaviour or spell out the consequences of not complying with certain rules. Legal restrictions -- through the criminal code, specific anti-corruption statutes, or illicit enrichment laws -- fall under disciplinary means. They are a warning to public servants that if they do not comply with existing laws, penalties will enforce legal provisions.

Values and Standards

For the purposes of the study, institutional values are defined as principles upheld by organisations to guide public servants in carrying out their official duties, which may or may not reflect societal values which themselves may be traditional, changing or newly introduced. Standards of conduct are deemed to be required criteria for actual actions of public servants with attached penalties when breached. Values and standards can be articulated public service-wide, at the individual ministry or agency level, and by professions represented in the public service such as legal, accounting, medical, etc.

All ten countries reported having public service-wide statements of core values, and all but Cameroon indicated having public service-wide statements of standards. All countries, except Namibia, also reported the existence of statements of values at the ministry level. (However, Namibia reported the existence of standards at the ministry level.) Again, all countries except Cameroon indicated the presence of statements of standards at the individual ministry level. At the profession level, nine countries, again with the exception of Namibia, indicated the presence of statements of values. And only Namibia and Cameroon did not indicate the existence of statements of standards by profession.

Of the six countries that identified values, many of them are similar. They have been grouped accordingly and identified by country to give a sense of the prevalent values in the sample countries (see Table 10).

As can be seen in Table 10, the most frequently named values are the clusters around disinterestedness/ impartiality/ neutrality and honesty/ integrity/ professional ethics. In addition to the values listed in Table 10, others cited include: accuracy, accessibility, courage, culture of peace, decency, development-oriented, discipline, economy, effectiveness, financial security, good human resources management, honourability, leadership, meritocracy, obedience, punctuality, respect for life and the person, representativeness, responsiveness, sense of reality, and timeliness.

Questions about specific standards covering a wide range of restrictions were also asked in the study (see Chart 5). It is noteworthy that the areas in which half or less than half of the ten countries have articulated standards include: the use of corporate credit cards, the employment and/or supervision of family members or relatives (nepotism), official travel, special conditions for movement to the for-profit sector, post-employment restrictions, and lobbying. These may be areas for potential scrutiny and the introduction of regulation.

Table 10: Stated Core Public Service Values

Values	Countries
disinterestedness (financial), impartiality, neutrality,	Cameroon, Kenya, Madagascar, Senegal, South Africa
honesty, integrity, professional ethics	Cameroon, Ghana, Madagascar, Senegal, South Africa
equality	Madagascar, Senegal, South Africa
fairness, justice	Ghana, Kenya, South Africa
selflessness, service to the public	Cameroon, Ghana, Kenya,
accountability	Ghana, South Africa
dedication, diligence,	Kenya, Senegal
discretion	Cameroon, Senegal
efficiency	Kenya, South Africa
transparency	Ghana, South Africa

Chart 5: Restrictions Covered by Stated Public Service Codes of Conduct

Restriction	Number of Countries Responding "YES"
Receiving Gifts, Fees, Payments	10
Unauthorized use of Official Property	9
Work Outside Public Sector	9
Use of Official Information	8
Political Work	8
Postemployment Restrictions	5
Lobbying	5
Use of Official Travel	4
Movement to Private Sector	4
Employment/Supervision of Relatives, Nepotism	3
Use of Offical Credit Cards	2

Number of Countries Responding "YES"

Table 11: Professional Groups with Specific Standards

Professional Groups	Countries
police, gendarmerie, security service	Cameroon, Gabon, Kenya, Namibia, South Africa, Uganda
accountants, auditors, fiscal service	Cameroon, Kenya, Nigeria, Senegal, South Africa
national defense, army	Cameroon, Gabon, Kenya, South Africa
judges, justice administration	Cameroon, Madagascar, Nigeria
teachers, education	Cameroon, Kenya, Namibia, South Africa
customs and tax administration	Cameroon, Nigeria,
medical profession, health administration	Cameroon, Kenya, South Africa

Chart 6: Communicating Core Values and Standards

Communicating Values and Standards

Core values and standards cannot have any effect on the behaviour of public servants unless they are effectively communicated and information about them is disseminated. All ten countries reported that core values are communicated while nine, with the exception of Cameroon, answered that standards are also brought to the attention of public servants. They are disseminated through different documents and through different points along a public servant's career (see Chart 6). The most popular method of communicating values and standards seems to be during induction training when someone joins the public service. Nine countries answered that values are communicated during induction training while seven reported that standards are communicated at this time.

In addition to the across-the-board standards, nine countries -- with the exception of Ghana, confirmed that there were separate standards for specific groups of public service employees (see Table 11; note that Cameroon mentions all the professional groups listed in the table). Other professional groups mentioned include: community development specialists, the diplomatic corps, land economists, penitentiary administrators, political office holders, state counselors, surveyors, and territorial administrators.

Sources of Values and Standards

The most frequently cited source of stated values and standards was the constitution. Nine countries, with the exception of Madagascar, listed it as the source of the statement of values while seven countries also listed it as the source of the statement of standards (see Table 12).

Table 12: Years of Introduction of Values and Standards by Source

	CMR	GAB	GHA	KEN	MDG	NAM	NGA	SEN	SAF	UGA
Constitution	1972	1961*	1992*	1998*	1992		1999*	1963*	1996	1995*
Legislation	1972	1961*		1963*		*1990*	1999*	1961*	1996/8* 1999	1996
Regulation	1972	1961*			1995*			1991*	1999*	
Codes of Conduct	1997	1961*	*1998*		1995*			1961*	1997*	1992*
Public Service Charter		1993*							*1998*	1964*
Citizens Charter		1961*				*1997*		1963*		
Service Standards		1960*			*1962*				*1999*	
National Policy Paper		1960*			1999*	*1999*			1998/9*	
Ministerial Document		1959*				*1999*				
Speeches (Head of State)			*1998/9*						1997/8/9	
Mass Media Campaign						1998			1999*	
Training Institutions		1963*							Ongoing*	

Countries: CMR=Cameroon, GAB=Gabon, GHA=Ghana, KEN=Kenya, MDG=Madagascar, NAM=Namibia, NGA=Nigeria, SEN=Senegal, SAF=South Africa, UGA=Uganda
Years: Year=values, *Year*=standards, Year*=both

To get a sense of the breadth of consultation in the identification of values and formulation of standards -- in this case as listed in codes of conduct -- the study asked questions about the participation of specific actors (see Chart 7). The most frequently cited actor for values was the parliament or legislature while that for standards was also the parliament or legislature as well as public service managers and public servants at the ministry or agency level.

Coordinating Agency: Values and Codes of Conduct

To identify which ministry or agency had been given the responsibility of overseeing the implementation of the core values and codes of conduct, the study asked for information on contacts and levels of resources (see Table 13). Five countries identified the ministry for public service or administrative modernization, two identified the public service commission, two either the president's or the prime minister's office, and one a code of conduct bureau or the public complaints commission.

In response to questions about the number of personnel and budget for these organisations, very few countries were able to provide details. For the very few countries where there is information available, it is not clear whether a designated focal point for coordination exists. Unless an agency is given a clear mandate and adequate resources to co-ordinate, the public service will not have any way of monitoring the implementation of values and standards.

Chart 7: Actors in Identifying Values and Formulating Codes of Conduct
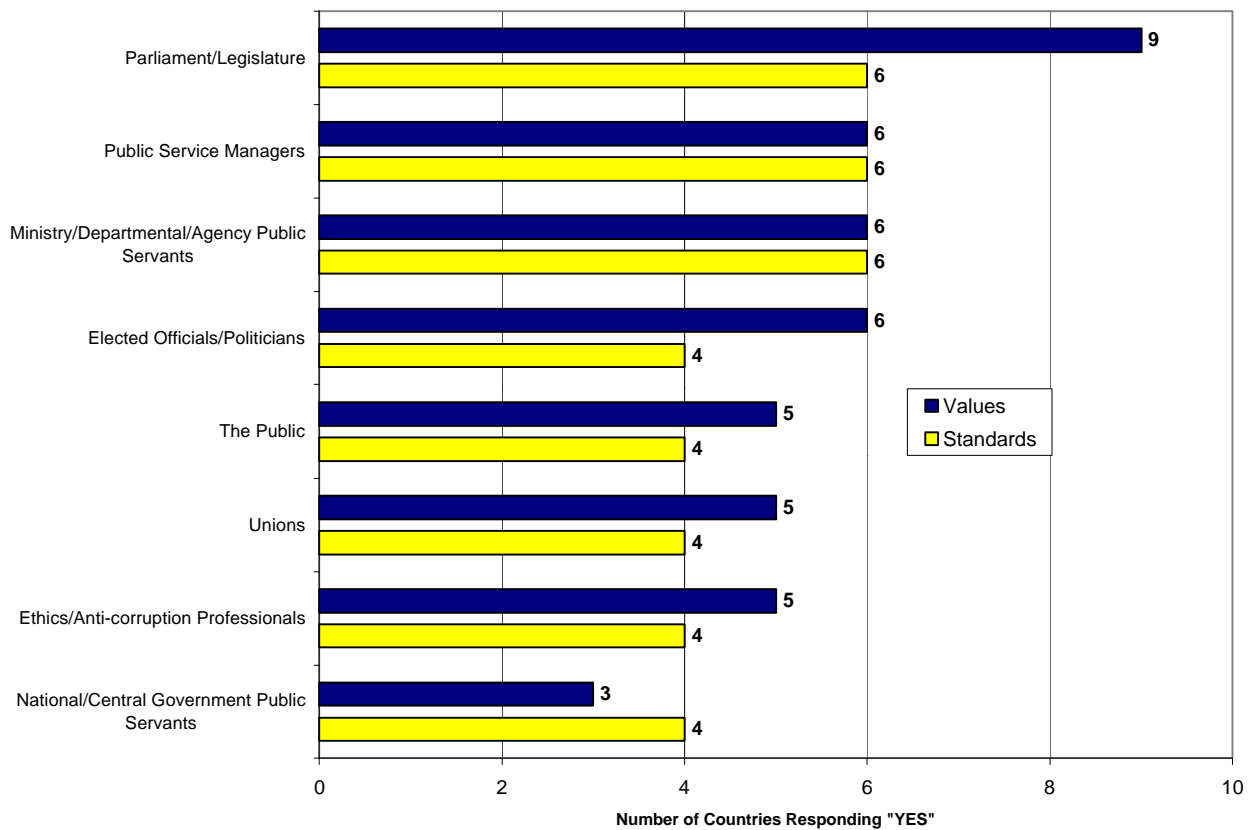
Ethics Advice and Guidance

In addition to the responsible agency, questions were asked about the day-to-day advice and guidance for public servants finding themselves in ethical quandaries (see Chart 8). In the study countries, most reported that public servants turn to their immediate supervisors and peer colleagues for this kind of assistance. By contrast, no country cited them as turning to external auditors for help and only one reported them turning to designated ethics officers or counselors. These types of functions, however, are only being recently introduced to most developing countries.

Legal Restrictions

The minimal compliance measures within the "guiding" framework for behaviour in the public service are found in laws. The study asked for the existence of criminal violations found in criminal codes and illicit enrichment or other anti-corruption statutes (see Table 14). The study also tried to find out the associated penalty levels for these legal restrictions and the statistics of how often they were enforced. Unfortunately, very few countries reported on this information. National consultants discovered that either this type of information was not collected or unavailable.

All countries, except Uganda, noted that both accepting and offering bribes is illegal. Penalties for passive and active corruption began in ranges from two years onwards (Nigeria and Senegal) to a maximum of 25 years (Ghana). In addition, in some cases, fines are imposed (see Table 14).

**Table 13: Coordinating Agencies for Implementing and Monitoring
Values and Codes of Conduct**

Country	Agency	Person-in-charge
Cameroon	• Ministère de la Fonction Publique et de la Réforme Administrative • Ministre Délégué à la Présidence de la République chargé de l'Inspection Générale de l'Etat • Ministre délégué à la Présidence de la République chargé de la Défense • Délégué Général à la Sûreté Nationale • Ministère de la Justice • Ministère de l'Economie et des Finances • Ministère de l'Administration Territoriale • Ministère de la Santé Publique	• Ministre: M. Rene Ze Ngule • Ministre: Mme Lucy Gwanmesia • Ministre d'Etat: M. Amadou Ali, Secrétaire d'Etat à la Gendarmerie: M. Nze Meka • Délégué Général : M. Minlo • Ministre: M. Robert Mbella Mbappe • Ministre d'Etat: M. Akame Mfoumou • Ministre: M. Ferdinand Koungou Edima • Ministre: M. Laurent Esso
Gabon	• Ministère de la Fonction Publique	• Ministre: M. Patrice Nziengui
Ghana	• Public Service Commission	• Chairman: Mr. E. A. Sai
Kenya	• Directorate of Personnel Management (DPM) in the Office of the President. • Public Service Commission (PSC) • Head of the Public Service	• Permanent Secretary and Director: Mr. James Ongwae • Secretary: Mr. S. Boit • Secretary to Cabinet: Dr. Richard Leakey
Madagascar	• Ministère Chargé de la Fonction Publique	• Ministre: Mme Alice Razafinakanga
Namibia	• Office of the Prime Minister, Public Service Management, Efficiency and Charter Unit	• Prime Minister: Mr. Hage Geingob
Nigeria	• Code of Conduct Bureau • Public Complaints Commission • Federal Civil Service Commission • Office of the Head of Service	• Chairman: Justice Haruna Dandaura • Chief Commissioner: Chief J. I. Edokpa • Permanent Secretary: Mr. A. A. B. Bamanga • Head of Service: Mr. Abu Obe
Senegal	• Ministère de la Modernisation de l'Etat	• Ministre: M. Abdoulaye Makhtar Diop
South Africa	• Public Service Commission (PSC)	• Chief Director, Ethics: Dr. Daryl Balia
Uganda	• Ministry of Public Service, Directorate of Human Resource Management	• Minister: Ms. Amanya Mushega

Chart 8: Parties that Public Servants Turn to for Ethical Guidance and Advice
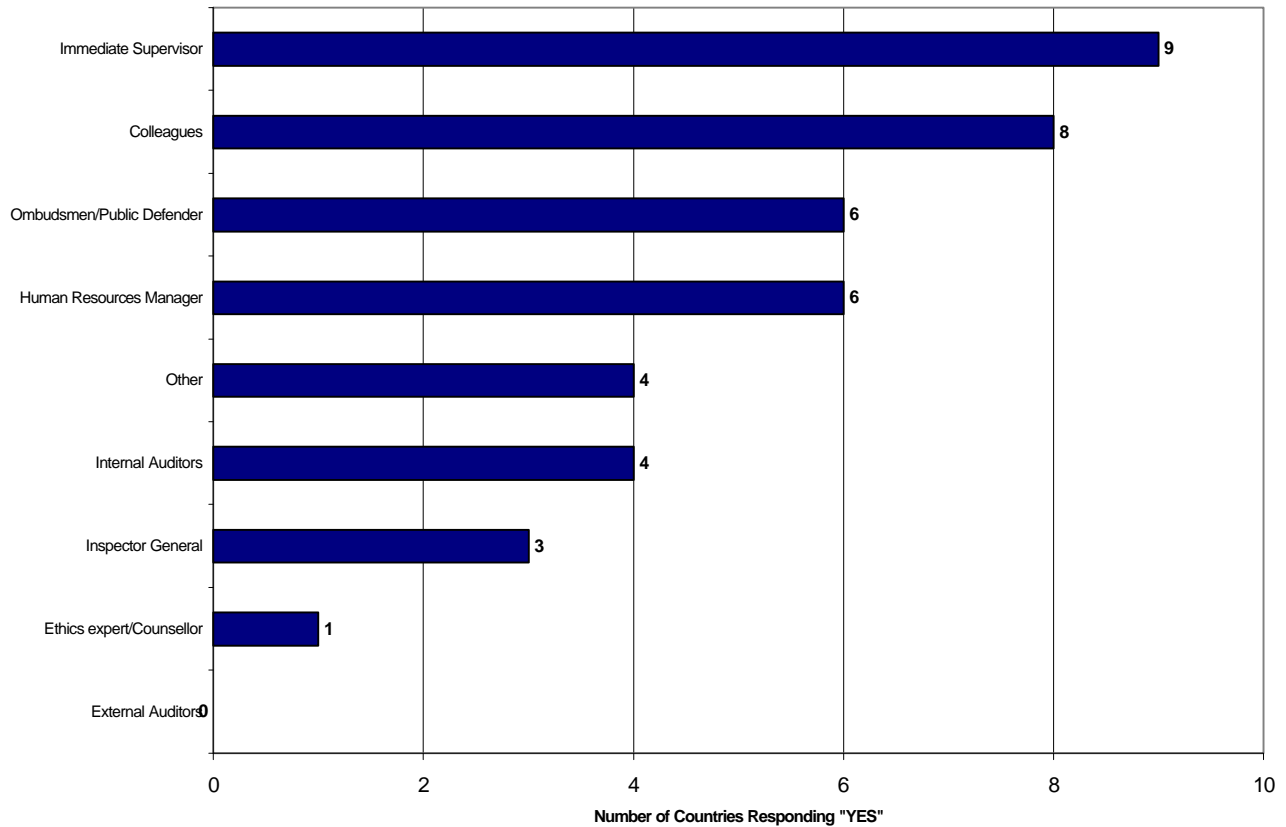
In addition to these restrictions, the study countries also identified the legal restrictions against the following: misappropriation of funds, conspiracy, diversion of funds, embezzlement, cheating, fraud, and conflict-of-interest dealings.

When asked whether there were other statutes imposing restrictions or prohibitions on certain types of conduct by public servants, nine countries, with the exception of Namibia, responded "yes". Types of legislation listed include: the constitution, the civil service law, presidential and parliamentary elections acts, the local collective code, and the leadership code.

Although the actual figure for numbers of public officials indicted or convicted were not available, some countries were still able to give sample types of cases that have been punished (See Box 10).

The emerging picture for the guiding framework in managing the conduct of public servants is that core values and standards are in place. In terms of stated values, they resemble those found in other regions around the world, focusing on fundamental principles of the public service such as impartiality, integrity, equity, accountability, and the like.

Table 14: Legal Restrictions*

	CMR	GAB	GHA	KEN	MDG	NAM	NGA	SEN	SAF	UGA
Extortion	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No
Active Corruption (offering)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Passive Corruption (accepting)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Direct Corruption (without intermediary)	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Indirect Corruption (using intermediary)	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Attempted Corruption (intended)	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No
Bias in Official Decision-making	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Abuse of Public Office or Public Trust	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Abuse of Privileged State Information	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No

Countries: CMR=Cameroon, GAB=Gabon, GHA=Ghana, KEN=Kenya, MDG=Madagascar, NAM=Namibia, NGA=Nigeria, SEN=Senegal, SAF=South Africa, UGA=Uganda,

* The national consultants made the observation that although many legal restrictions exist on paper, they are not implemented on a daily basis.

As for standards, restrictions seem to be in place for traditional areas of concern such as moonlighting and receiving gifts and other gratuities, among others. However, fewer countries have addressed emerging areas such as post-employment restrictions, use of credit cards, official travel, etc. An interesting gap is in an area that has been traditionally of concern, nepotism. Few countries in the sample seem to have addressed this issue.[24]

Although these forms of guidance are in place, there seems to be much room for improvement in implementing them. Training on values and standards seem to take place upon induction to the public service, but they do not seem to be systematically reviewed or reinforced. Further-more, many countries in the sample do not seem to have a clear focal point for coordination which makes it difficult to gauge the effectiveness of this function.[25] This situation leaves implementation largely at the discretion of line ministries.

Further, public servants are turning to traditional sources of advice and guidance, peers and supervisors, rather than any trained ethics specialists. Designated ethics specialists are a relatively recent trend in many parts of the world so this may come with time and more resources. Again, training may be needed in order to groom ethics specialists.

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24   However, South African Public Protector has issued a special report, the *Report on the Investigation of Allegations of Nepotism In Government* in April 1999 (see http://www.polity.org.za/govt/pubprot/report11.html).

25   South Africa is the exception, with the Public Service Commission's Ethics Directorate being a clear focal point.

Finally, the study countries show that there is legislation that prohibits corrupt acts or make them a crime with various levels of penalties attached.

However, the countries do not seem to monitor the effectiveness of the enforcement of the laws. Chapter 7, focusing on control and enforcement, throws more light on this situation.

Box 10: Most Prevalent Types of Cases Tried

Cameroon:
"...The judges we met informed us that there were cases of misappropriation of public funds which were brought to court."

Madagascar:
"The most common grounds upon which an indictment and a conviction of civil servants have been delivered are related to public funds: fraud and misappropriation of the public purse."

Namibia:
"Corruption in government branches regarding the issuing of permits, licences, certificates, passports etc."

South Africa:
" ... the most reported type of corruption is theft and fraud, followed by abuse of public power position. ... Collusion between private individuals and state officials resulting in approval and actual payment in instances where goods were not delivered or services not rendered."

CHAPTER 6: MANAGEMENT OF CONDUCT IN THE PUBLIC SERVICE

The guiding framework for conduct in the public service, as described in Chapter 5, is only the starting point for influencing the behaviour of public servants. In order to be able to implement such a framework, a management framework also needs to be developed. Such a management framework is provided through the designation of a specific agency to oversee overall ethics and anti-corruption policies (beyond only coordinating the communication of values and standards), good public service working conditions with fair human resources policies and adequate remuneration, and clearly defined administrative policies and procedures. In this Chapter, the management of an overall national integrity strategy, human resources management, and disclosure provisions will be examined to compare the state of management of conduct in the public services of the study countries.

National Integrity Strategy Management

A national integrity strategy generally spells out how a country intends to concretely reduce corruption and enhance integrity in its society. This is a broader effort to address all aspects of fighting corruption and raising integrity than merely focusing on inculcating good values in and warning about standards to be observed to public servants.

Eight countries stated that an agency had been designated to co-ordinate and manage the implementation of ethics and/or anti-corruption policies in a broader sense while only six countries indicated the existence of a specific national integrity strategy.[26]   Moreover, six

countries affirmed that the agencies regularly reported on the state of ethics or corruption in the public service.

Fewer than half of the countries were able to indicate whether they co-ordinated ethics and anti-corruption measures through risk assessment to steer policy development, analysing systemic failures in disciplinary cases or providing strategic guidance or checklists. Those countries that indicated the presence of coordinating measures include Gabon, Ghana, Nigeria and Uganda (see Chart 9). Apart from the coordinating measures mentioned above, Cameroon noted that it was elaborating a strategy of raising national awareness against corruption. Very few countries indicated the provision of evaluation mechanisms to measure the effectiveness of a national integrity strategy. Of those that did, Uganda indicated the presence of reports to Parliament every six months, Nigeria mentioned annual reports but noted that these were irregular and often did not address the issue, and Gabon mentioned the existence of a general performance evaluation of the strategy.

Human Resources Management

Human resources management -- through upholding the merit principle in recruitment and promotions, transparency in the selection process, sound performance management, and setting of good examples by managers -- plays a key role in creating an ethical environment.

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26   The discrepancy between these two numbers may be due to the fact that in some countries, ethics or anti-corruption policies exist but a comprehensive national integrity strategy has not been developed yet.

Chart 9: National Integrity Coordination Strategies
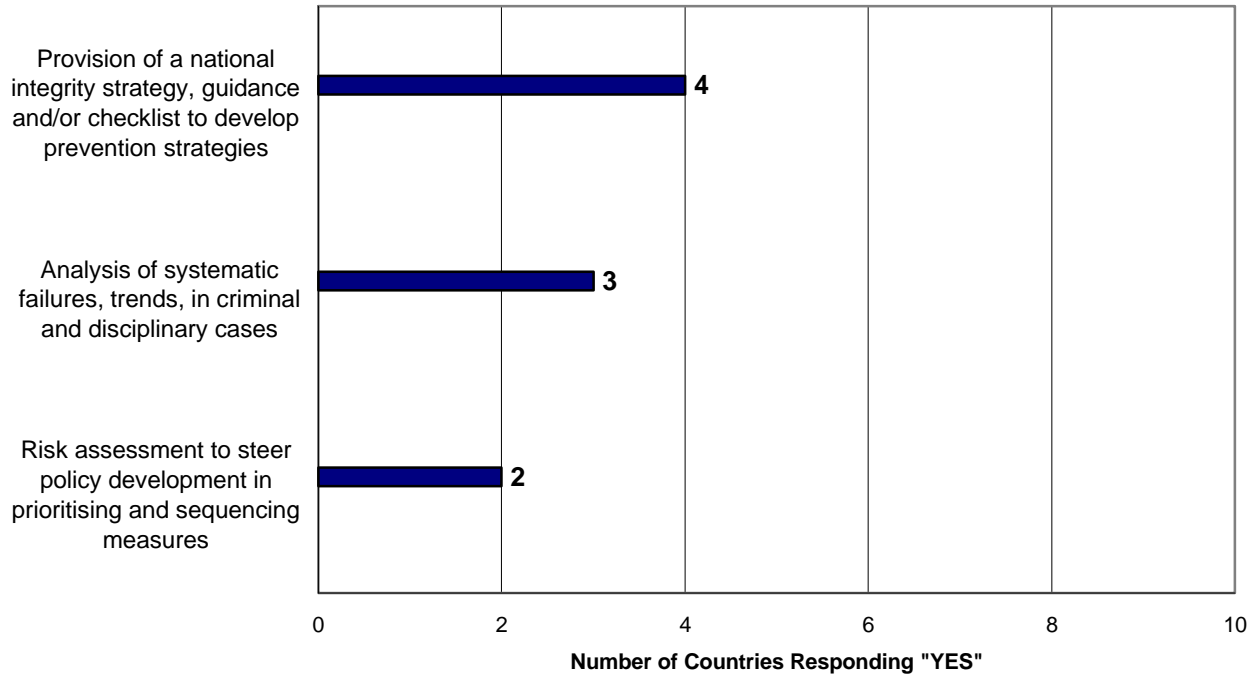
Fewer than half of the national consultants seemed to think that these measures were in place in their countries (see Chart 10).

In addition to these across-the-board measures, seven countries (with the exception of Cameroon, Ghana and Nigeria) reported that special measures were in place for certain categories of employees who may be in positions more vulnerable to corruption. The most frequently cited positions where special provisions are given are those employees in tax and customs administration, the judiciary, and the police (see Table 15). In addition to these groups, others mentioned include: accountants, central bank employees, contracting officers, planning employees, recruitment officers and senior public service managers. The special measures ranged from allowances, better employment conditions, extra stringent disciplinary codes, frequent rotations, higher salaries, incentive pay, performance contracts, special guarantee deposits, and special training.

All ten countries reported that disciplinary procedures were in place, in case these horizontal and special measures fail to deter corrupt acts and unethical conduct. The existing procedures identified in the study countries usually begin with a written warning, followed by an investigation, a committee hearing with the accused allowed to defend him or herself, and a verdict -- involving penalties ranging from salary reduction, suspension, demotion, to outright dismissal and prosecution. Most countries indicate the existence of an appeals procedure. Despite the existence of disciplinary procedures, anecdotal evidence suggests that they are not frequently invoked.

Table 15: Groups of Employees with Special Measures to Prevent Corruption*

Groups of Employees	Countries
tax and customs administration	Cameroon, Gabon, Kenya, Madagascar, Senegal, South Africa, Uganda
the judiciary, attorney general, legal professionals	Cameroon, Kenya, Senegal, Uganda
police, army, security services	Cameroon, Senegal, South Africa, Uganda

* Information for Namibia was unavailable.

Chart 10: Human Resources Management Strategies in Promoting an Ethical Environment

Number of Countries Responding "YES"
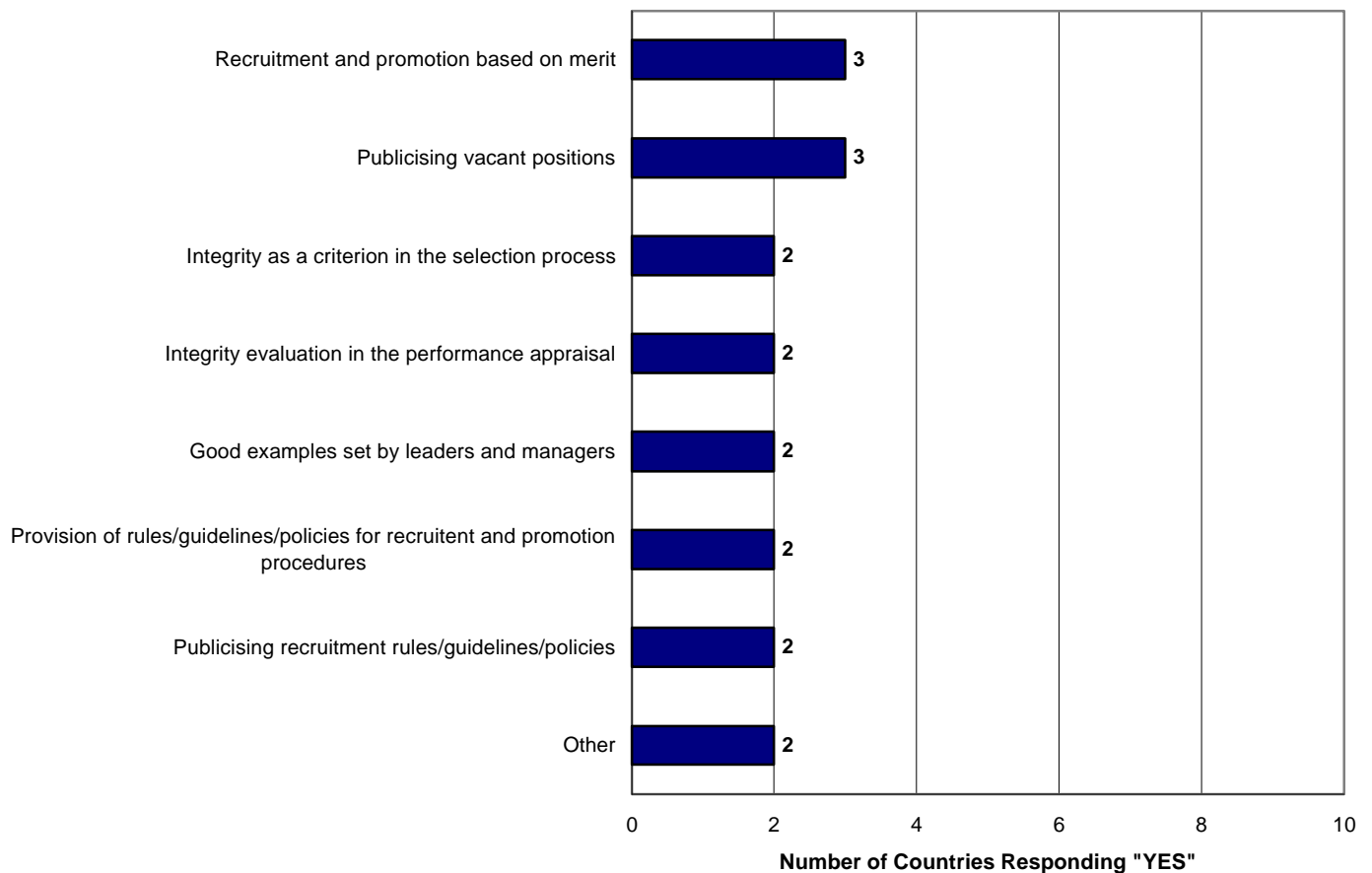
Chart 11: Management Tools to Prevent Corruption

Management Tool	Number of Countries
Specific controls on public procurement procedures	8
Identification and reporting of conflict of interest situations in tendering contracts	8
Set service standards for responding to requests	7
Identification and reporting of conflict of interest situations in public assets management	7
Anti-corruption procedures in bids for public contracts	6
Identification and reporting of conflict of interest situations in receiving gifts and benefits	6
Identification and reporting of conflict of interest situations in financial management	6
Risk Assessment of areas susceptible to corruption	4
Redress provision against poor administrative procedures	4
Simple public complaints procedures	4
Justification requirement for administrative decisions	4
Identification and reporting of conflict of interest situations in official travel/use of credit cards	4
Requirement for the release of internal information related to ethical conduct and possible transgressions	3
Identification and reporting of conflict of interest situations post public employment	3

Number of Countries Using Specified Management Tool

The survey explored the frequency of training for managers and supervisors on these disciplinary procedures during the past five years. Six countries indicated that some training had taken place. Cameroon had one seminar at the district level and one for legal services divisions of ministries. Gabon had three for the public service ministry. Kenya indicated that there had been no overall plan for personnel training but that some ad hoc sessions may have taken place in individual ministries. Nigeria reported several training programmes for personnel managers only. Namibia indicated that a consultant had been hired to train staff members on disciplinary procedures. South Africa said that intensive efforts to publicise new disciplinary procedures introduced in 1998 have been made for labour relations and human resources personnel.

Management tools such as the identification and reporting of conflicts-of-interest in various areas, service standards, anti-corruption provisions in bidding procedures, etc. were also compared. It is worthy of note that the two most frequently reported tools are specific controls on public procurement procedures and the identification of conflicts-of-interest in tendering of contracts. Eight countries reported the existence of these provisions. On the other hand, the least reported management tools are the identification and reporting of conflicts-of-interest in post-employment situations and requiring the release of internal information on ethical conduct and possible transgressions. Only three countries affirmed the existence of these measures (see Chart 11).

Finally, efforts to safeguard the public service selection process from political interference were explored. Six countries indicated that special provisions were in place. The reported provisions ranged from public service to public service commission acts and the need to observe the merit principle in the selection process.

Disclosure

The disclosure of interests, financial and otherwise, which could end up being a conflict between personal interests and public duties can serve as a deterrent to and a source of verification for corruption. The requirement to disclose is an integral part of managing conduct in the public service.

Seven countries affirmed that disclosure policies existed for elected officials, and seven countries also indicated the existence of policies for senior public servants. Both Ghana and Nigeria described that the requirement to disclose existed from senior level management to the president; Senegal indicated the public finance courts and public accountants; Uganda mentioned revenue officers and heads of departments and parastatals; and South Africa listed Members of Parliament, the Cabinet, Members of Executive Councils and senior Directors

General. In addition, two countries listed "other" categories of coverage. Cameroon reported that all elected officials and those in charge of the public purse and managing public funds had to disclose their interests. Namibia mentioned the need to do so by all staff members.

In addition to these, three countries reported that disclosure was confined only to specific sectors. Cameroon commented that although a long list had been identified in the constitution, no enabling legislation has been passed. Thus no declarations are being made. Kenya noted that it is not common practice for agencies to ask for disclosures, but that the Kenya Revenue Authority was the first to ask its employees to do so. Senegal noted that disclosure covered only movable and unmovable assets. In effect, the disclosure requirements are not as comprehensive as one might have been led to imagine.

Closely related to this, a question about whether disclosure requirements are more rigorous in some sectors than others was asked. In Senegal, public accountants also have to have their properties bonded. In Uganda, every revenue officer has to regularly file a declaration. In South Africa, disclosure requirements for Members of Parliament are more stringent than for Local Counsellors or for senior public servants.

In terms of what is required to be disclosed, all countries reported that previous employment has to be declared. It is noteworthy that less than half the countries reported that loans and outside positions have to be declared (see Chart 12). In addition to the items listed in the chart, Senegal mentioned the need to identify property rights for public accountants while South Africa listed sponsored foreign travel, pensions, and hospitality.

Chart 12: Information to be Disclosed

Number of Countries Having Specific Disclosure Requirement
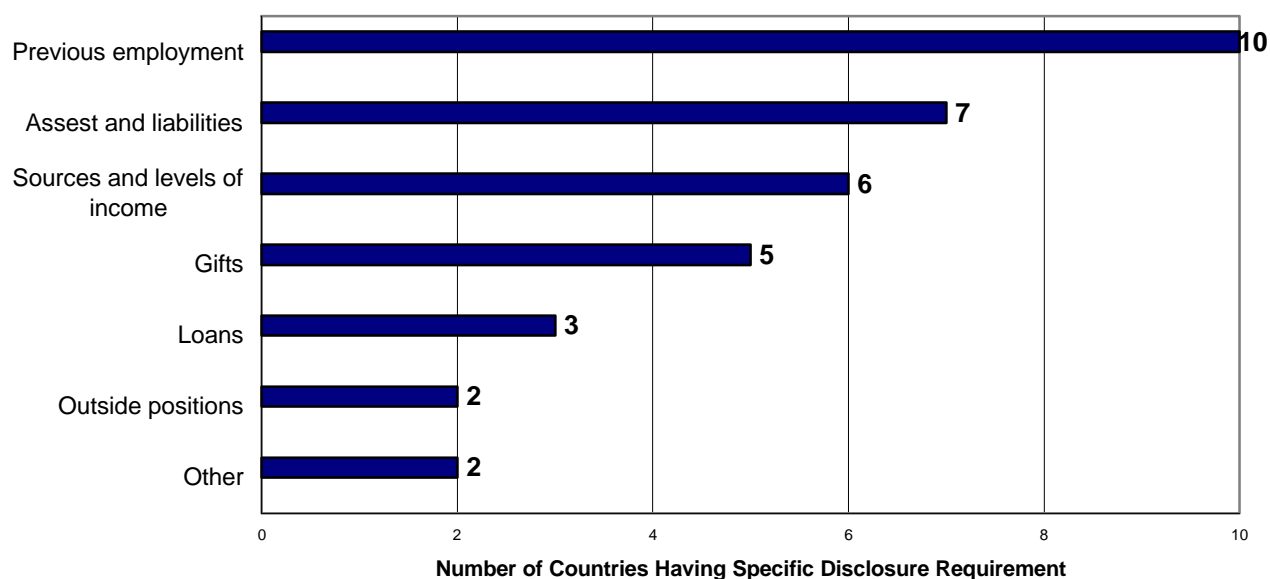
Regarding the frequency of disclosures, seven countries reported that this was required annually. In addition, six countries reported that disclosure is necessary when relevant circumstances change (see Chart 13). However, Ghana and Nigeria reported that disclosures must be made every four years while Madagascar identified a disclose requirement in the declaration of candidacy for any publicly elected office.

When a disclosure is made, most of the information seems to remain confidential. Only two countries answered that they are made public -- and this seems to mean public only under certain circumstances. Ghana listed those institutions that can access this information: courts with the proper jurisdiction over a case, the Auditor General, a commission of enquiry and an investigator. South Africa reported that Members of Parliament have a public and a confidential part in their disclosure statements. Disclosures by senior public servants are not public in that they are accessible only to relevant departments.

To be effective as a real deterrent, the disclosures should be verified. Six countries commented on the verification process (see Box 11).

In terms of a managing framework, just over half of the countries seem to have a national integrity strategy or broad ethics or anti-corruption policy. A majority of the countries mentioned that there are also agencies to implement and report on these strategies or overall policies. However, fewer than half of the countries seem to have a systematic way of monitoring or evaluating them. In order to realise the goals of a national integrity strategy or broad ethics or anti-corruption policies, it is important to be able to see how they are translated into concrete action. And it is equally important to be able to measure whether they have reduced corruption, unethical conduct, or other forms of maladministration.

Chart 13: Frequency of Disclosure

Number of Countries with Specific Frequency of Disclosure
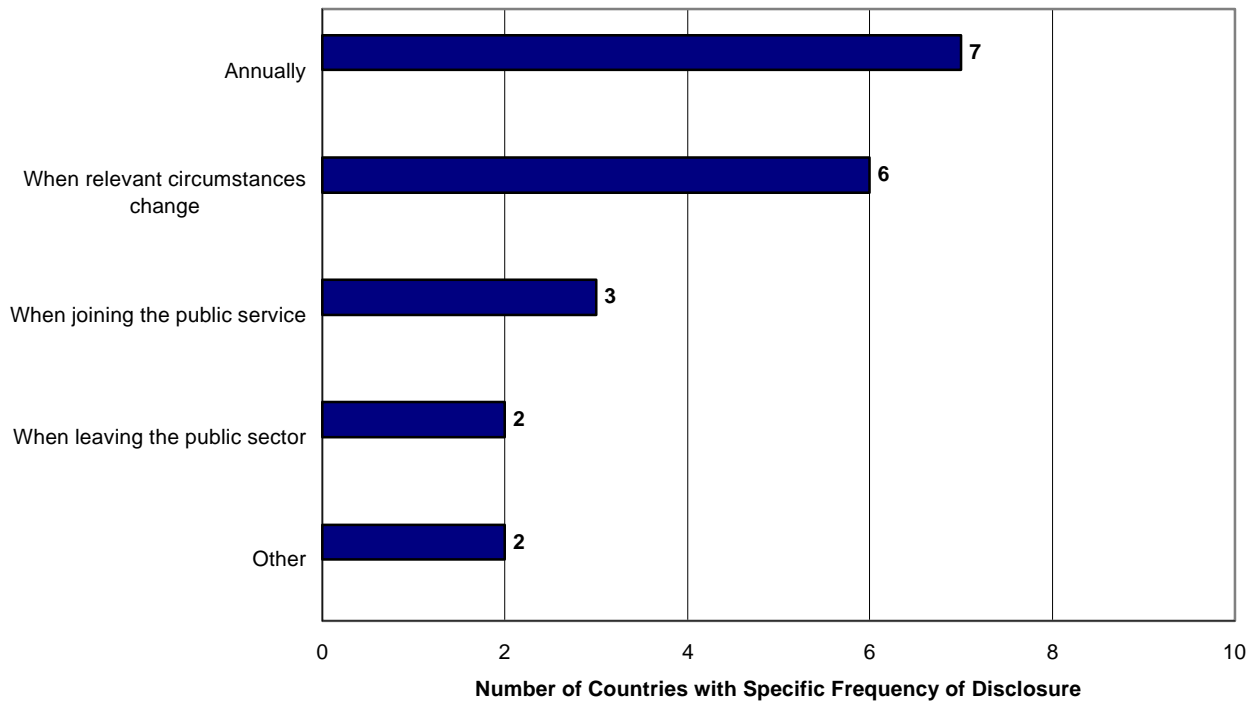
The majority of the national consultants did not seem to have confidence that their countries' human resources systems were exhibiting transparency or upholding the merit principle. The responses further indicate that although disciplinary procedures are in place in all study countries, they are not frequently used. Further, apart from two countries mentioned, there does not seem to be a systematic way of training managers and supervisors to use them. To create the right environment for building up professional pride and to attract and recruit the right type of people, it is crucial to have a solid human resources management regime.

A majority of the study countries indicated also that a disclosure of interest regime is in place. However, it seems that the coverage of interests to be declared is not comprehensive enough to be able to detect the wide range of prohibited conduct or acts of corruption. There also seems to be some vagueness in terms of access to the disclosures and verifications. These are issues to be addressed by the countries if the disclosure regime is to be the cornerstone of enforcing criminal and other legal restrictions on public servants.

Box 11: Comments on Verification of Disclosures

Ghana:
"(Verification is by) an oath or affirmation to the commissioner or judge with the proper authority requesting the information, document, papers or things that relate to the matter being investigated that may be in his possession."

Madagascar:
"Application forms for a public service post include a declaration of honour concerning property and level and sources of income. Financial declarations are also part of the application file. It seems that the property and assets declaration provides a possibility to check later on whether the selected candidate did receive any illicit profits during the assignment. But until now, no control of property has been made after the end of the assignment. Financial declarations delivered by the Financial Administrations are used to prove that the candidate did pay all his income taxes before working as a civil servant. Technically, it is possible to scrutinize the property declaration by comparing the information included in the financial declarations. But such a control has never been exercised."

Nigeria:
" It is not made clear how disclosed information is usually verified. Nonetheless, disclosed information is used by government to provide the framework for determining whether or not a public officer had unjustly acquired wealth. This is supposed to be done by comparing what was disclosed at the first instance with what is declared on leaving office or after an interval."

Senegal:
" Concerning the members of the Cour des Comptes (Public Accounts Court), the President may ask those of the Administration which must report to it for any relevant information concerning their property."

Uganda:
"Section 6 of the Leadership Code empowers the Leadership Code Committee to require clarification for any matter in connection with statements submitted."

South Africa:
"There is currently no formal verification measure. There is a register of members' interests in parliament maintained by a dedicated person. The Registrar of Members' Interests … can be contacted through Parliament, PO Box 15, Cape Town. NGOs such as the Institutes for Democracy in South Africa (idasa) and the media publish an annual list of MPs disclosed interests which is open to public scrutiny and can be challenged."

CHAPTER 7: CONTROL OF CONDUCT IN THE PUBLIC SERVICE

The final function of the ethics infrastructure is to facilitate the control or the enforcement of standards of behaviour in the public service. Once core values and standards to be observed have been communicated and management processes have been instituted to oversee the conduct of public servants, then control measures need to be put into place and implemented to show that a government is serious about upholding integrity in the public service.

Without enforcement, the guiding elements such as statements of values, political campaigns for a clean government, and training sessions for public servants become meaningless. Equally, a management framework to promote sound public service working conditions, clear administrative policies and procedures, and ethics coordinating bodies also remain ineffective without swift and fair action in cases of ethics violations and corruption.

This chapter will focus on complaints and reporting procedures, financial controls, enforcement through investigation and prosecution, and independent legislative or judicial scrutiny. In addition, it will also summarise the evaluation by the national consultants of these existing control measures. While some of the control elements mentioned in this chapter are external to the public service, they still have to be understood as part of a state structure. Besides these control elements, the private sector and civil society can also play a crucial role in controlling behaviour in the public service. This will, however, be discussed separately in Chapter 8.

Reporting and Complaints Procedures

The first step to enforcing behaviour standards is to make it easy for individuals, both inside and outside of the public service, to report problems to the proper authorities. In terms of internal reporting, nine countries, with the exception of Ghana, indicated that public servants have an obligation to report or "blow the whistle" on wrongdoing. Eight countries reported that the requirements are based on administrative rules defined by individual ministries while six countries indicated that they are based on legislation (see Chart 14).

Even though there may be stringent statutory or administrative requirements for reporting wrongdoing, most people are reluctant to do so. The many reasons for this comprise not knowing of this obligation, not wishing to upset the status quo, not wanting to appear disloyal to the organisation and management, rejection and marginalisation by colleagues, and a fear of reprisal. The latter is a very legitimate fear, given the dismal record of many organisations in many countries that have failed to protect "whistle-blowers" or have actually persecuted them for their behaviour. This fear is compounded in poor countries where the loss of a job could mean the starvation of an extended family. Of course, it is important to have an investigating procedure in place to differentiate real reports of wrongdoing from false or malicious accusations against an individual or an organisation for personal grievances.

Chart 14: Obligatory Internal Reporting of Wrongdoing

Number of Countries Responding "YES"
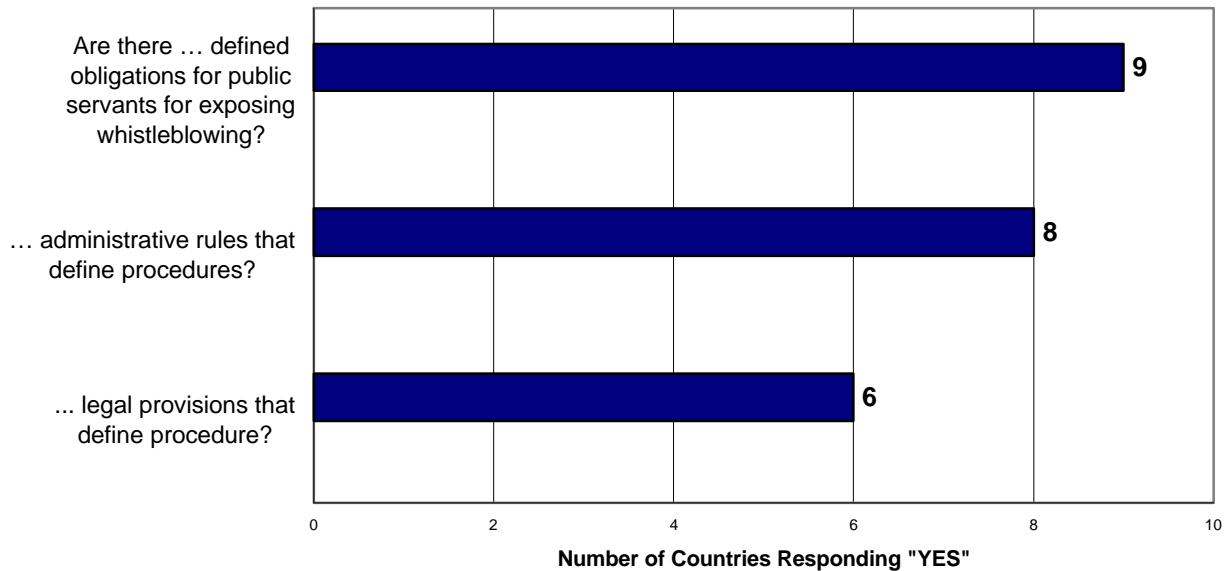
Six countries indicated the availability of protection for those public servants reporting wrongdoing. However, when looking at the measures available, it would seem that what is in place is still inadequate to encourage public servants to come forward with reports of corruption and ethical violations. (see Chart 15). This picture is confirmed by the fact that only one country, Gabon, reported specific training for managers and supervisors to handle whistle-blowing. Since they are usually the front-line recipients of internal complaints, it is crucial that they know what their obligations are.

In the interests of co-ordinating and monitoring internal complaints and whistle-blowing, it is important to be able to track the number of cases. This implies that there should be a central repository of reports for the public service. Half of the countries -- Gabon, Ghana, Namibia, Nigeria, and Uganda -- reported that they centrally collect statistics on complaints and cases for the entire public service.

Just as important as internal reporting procedures for public servants are the complaints procedures for the general public. Recipients of services may also observe or be victims of corruption and other unethical conduct or maladministration. Seven countries -- with the exception of Cameroon, Kenya, and Senegal -- confirmed that there were public complaints procedures. The institution of the Ombudsman, Public Defender, or the Inspector General was the most frequently mentioned agency -- by seven countries -- for receiving public complaints (see Chart 16).

Where individual ministries have procedures in place to receive public complaints, the countries reported that the average time to complete an investigation during the past five years have ranged from two months (Kenya and Uganda) to more than two years (Madagascar). Some countries commented on how the complaints procedures are publicised and handled (see Box 12).

Chart 15: Protection for Public Servants Exposing Wrongdoing
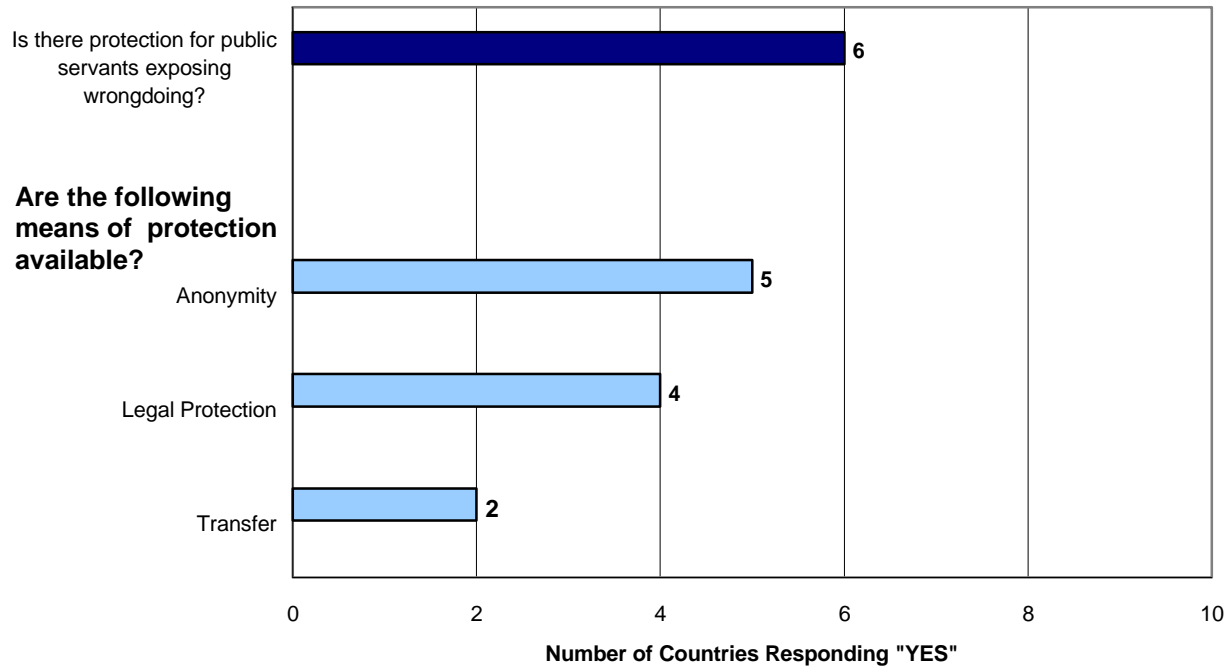
A question about the staffing and budget levels for public service-wide ethics or anti-corruption policies elicited very few concrete answers. Most countries were not able to answer this question. More countries were able to answer the same question about the Ombudsman/Public Protector/Inspector General (see Table 16; also see Annex 3 for a list of the investigative agencies and their contact points).

Financial Control

Traditionally, audit is an ex-post form of financial control to ensure that public monies have been spent for the purposes for which they were designated. Nowadays, this function has been expanded to also include performance evaluation and value for money criteria. Audit is usually carried out internally through various internal audit or inspection units and externally by an independent supreme audit institution (see Annex 3). It is a form of getting public servants

to account for their use of public resources as well as a powerful deterrent to engage in financially fraudulent activities.

All countries indicated that there was an internal audit or inspection unit in all ministries and agencies. Eight countries, excluding Namibia and Uganda, described the unit as being independent of a ministry's or an agency's chief financial officer.

Table 16: Resource Levels for Investigative Agencies

COUNTRY	Responsible Agency	Reference Year	Personnel	Annual Budget (US$)[**]
Cameroon	n.a.	n.a.	No specific personnel	integrated budget
Gabon	n.a.	n.a.	n.a.	n.a.
Ghana	Commission on Human Rights and Administrative Justice (CHRAJ)	1998	All Staff at CHRAJ	1,180,336
Kenya	Kenya Anti-Corruption Agency	1999/2000	42	n.a.
Madagascar	Médiateur	1999	15	111,398
Namibia	Ombudsman	1990 to 1999	4	intergrated in the overall budget
Nigeria	Public Complaints Commission	1997	2,506	1,381,340
Senegal	n.a.	n.a.	n.a.	n.a.
South Africa	Public Protector, Public Prosecutor's Office(PPO), Heath Special Investigating Unit (HSIU)	1999/2000	87 (PPO) 100 (HSIU)	2,520,673 (PPO) / 2,913,505 (HSIU)
Uganda	Inspector General of Government (IGG)	1999/2000	IGG and Ethics Ministry	364,052

* n.a. = not available   ** Approximation based on annual average market exchange rate

Half or more countries also indicated that the units report to the head of agency and/or the finance ministry or treasury. Of those countries that describe other reporting structures, the Auditor General, Permanent Secretaries, the ministry-level accounting officer and audit committee, and Parliamentary public accounts committee were mentioned. The majority of the countries also indicated that the internal audit or inspection units undertake special reviews apart from their regular audits and have specially trained staff. It is interesting to note that the reports of these units are circulated internally and to the legislature but only three countries -- Kenya, Namibia, and South Africa -- indicated that they are also available to the public, including the press (see Chart 17).

The role of external audit was also explored by the study. In anglophone countries, the supreme audit institution was headed by the Auditor or Comptroller General, whose independence was guaranteed in the constitution. In francophone countries, the supreme audit institution was headed by an Inspecteur Général de l'Etat (or Contrôle Supérieur de l'Etat in the case of Cameroon) who reported to the Head of Government. Under such circumstances, the supreme audit institution can be open to criticism of not being independent. In addition, both Cameroon and Senegal also mentioned the role of oversight ministries.

Most countries were able to report about the institutional capacity of the supreme audit institutions in terms of personnel and budgetary resources (see Table 17). With these resources, five countries (Ghana, Kenya, Namibia, South Africa and Uganda) indicated that audits are carried out on an annual basis.   Nigeria described the audits as "infrequent" while both Cameroon and Madagascar said they were carried out upon the request from the Head of Government.

Chart 16: Public Complaints Mechanisms

Are there procedures available for the public to expose wrongdoing? — 7

Are procedures available through ombudsman/public protector? — 7

Are procedures available through ministries or agencies? — 3

Are procedures available through complaints hotline? — 3

Number of Countries Responding "YES"
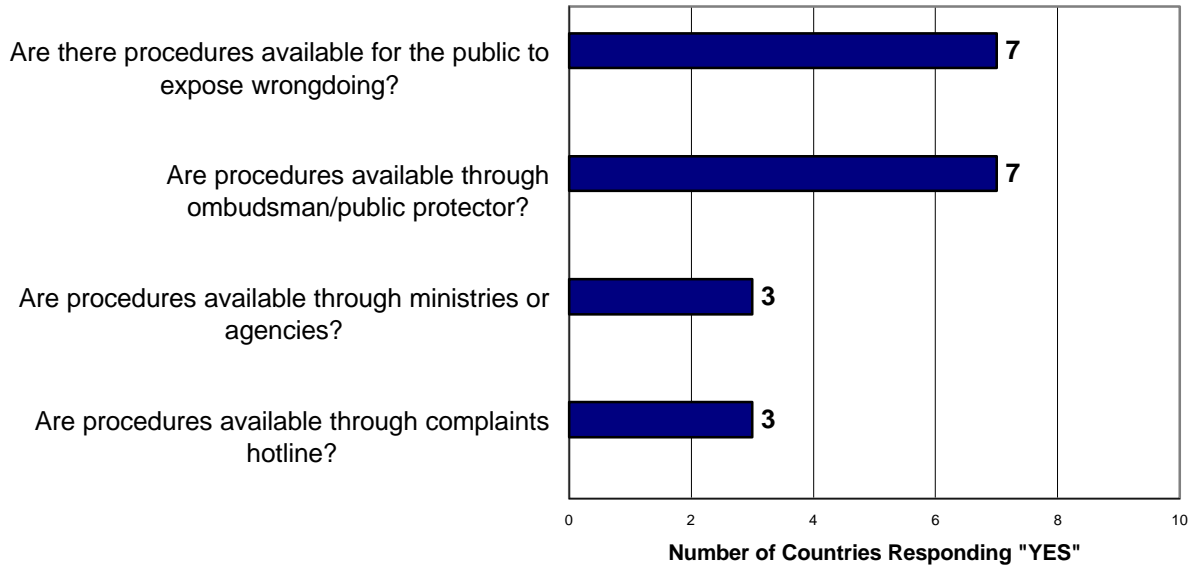
The same five countries that carry out annual audits also regularly publish reports while the rest do not. In terms of how many corruption cases are detected through external audits, the countries were not able to answer on the whole.

Investigation and Prosecution

Investigation is closely tied to the complaints or problem reporting process. Usually, the unit that receives the complaints of wrongdoing also carries out the initial investigation. As mentioned in the sections above, these frontline agencies can include the individual ministries themselves, the institution of the Ombudsman/Public Protector/ Inspector General, a "hotline" service, and internal and external audit units. Generally, these units cover the entire public service. In addition, specialised investigative agencies having jurisdiction over only certain sectors or services can also exist. The specialised anti-corruption unit that deals with corruption involving its officers, set up by the police in South Africa, is an example.

Once an initial investigation has been carried out within the limits of the mandate of the receiving agency, appropriate action is taken or a referral is made. Where serious wrongdoing has occurred or a criminal investigation is needed, the cases are usually referred to the police. In countries where a specialised anti-corruption agency exists, such as in Kenya through its Kenya Anti-Corruption Agency, sometimes these cases are referred directly to them. In most cases, corruption investigations are considered also part of regular criminal investigations. This means that one case could be investigated by several different units: those responsible for administrative wrongdoing and those for criminal acts. Given the concurrent investigations, it is very important that proper referral and co-ordination procedures be in place and observed.

Chart 17: Access to Internal Audit and Inspection Reports or Special Reviews

Number of Countries Responding "YES"
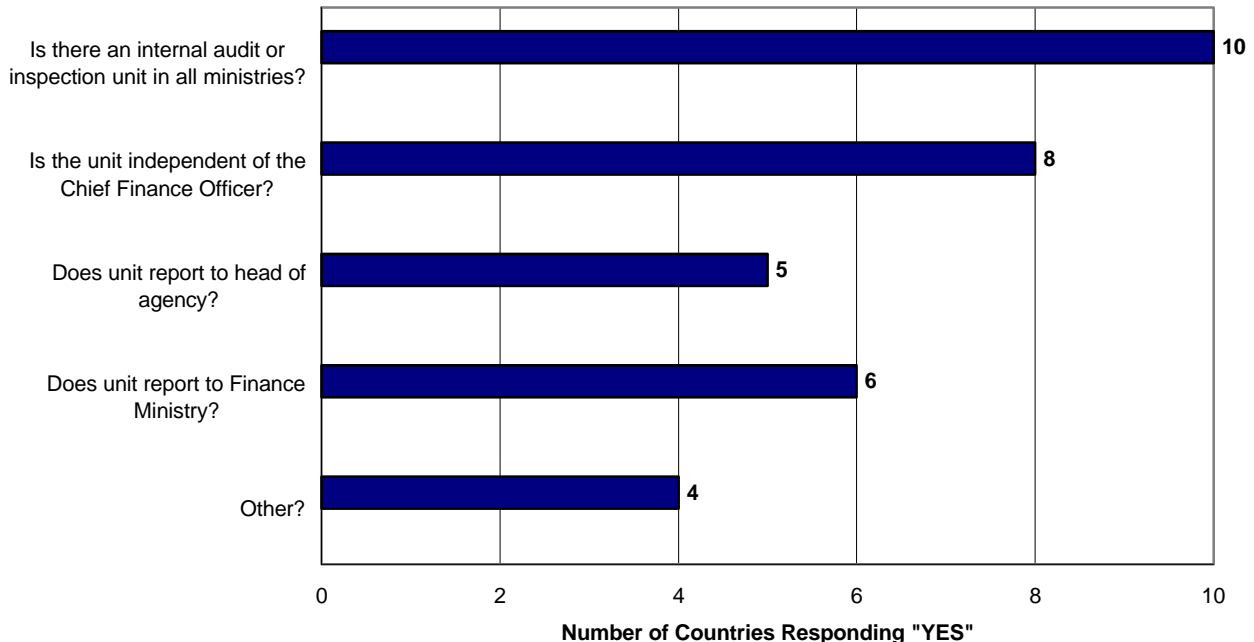
In addition to the administrative and criminal investigations, a special unit can also be set up to investigate with a view to collecting damages by the state.   Noteworthy of such an agency conducting "civil" investigations is the Heath Special Investigative Unit in South Africa. This Unit, headed by Judge Willem Heath, has national jurisdiction and is accountable to the President and Parliament. Created in 1996 and with an annual budget of approximately US$ 3.7 million and a staff of 104, the Unit has been successful in recovering public funds.

Given the key role of the police in crime investigations, the study tried to collect information on its investigative capacity regarding official corruption and related fields in the sample countries.   Four countries attempted to describe the relevant budgetary and staffing levels. Despite the precise wording of the question, it was difficult to ascertain whether these levels were for anti-corruption efforts only or for all of the work of the police as a whole.   Information about the number of corruption investigations

handled by the police was also vague. Of the countries able to give a figure, Kenya reported 148 in 1997, 145 in1998, and 43 in 1999. Nigeria indicated that annually an average of 294 cases involve bribery and corruption. Besides, 60 and 82 reported cases of bank fraud, involving US$ 129 million and US$ 285 million in 1995 and 1996 respectively, were reported in official records**.** South Africa, the only country to estimate an average length of time for a police investigation on corruption complaints, reported that it took two to three years, within the past five years.

Once a case has been investigated, a decision is made as to whether there is sufficient evidence to successfully prosecute the guilty party.   In corruption cases, evidence is very difficult to establish -- as the crime tends to involve collusions between two or more people. Usually, the prosecution is carried out by a separate agency from the investigative agencies.

Box 12: Consultants' Comments on Public Complaints Procedures

Cameroon:
" The complaints can be received by the Division for Administrative Recourse of the Office of the President of the Republic; the Division for Service Requests of the Prime Minister's Office; ministers' departmental staff; or provincial, departmental, and district administration or special agencies. The President of the Republic and the Prime Minister have the power to delegate cases to relevant administrations and specify a time frame for action. The plaintiff is informed about the process. But the follow-up is not always rigorous, and due process is not always guaranteed.

Ghana:
"The Public Complaints Unit, Office of the Head of Civil Service, issues a folder outlining the procedure for complaints. ... The complaints relate more to the quality of service than corruption."

Madagascar:
"In the case of a transgression by a civil servant, the administrative rules defining the appropriate procedure are included with the disciplinary regulations for the civil service. The relevant decrees were officially published in 1960; since then, however, nothing has been done to raise the public's awareness of them. The texts are not publicly available any more, even for the responsible staff in the civil service."

Nigeria:
"Publicity regarding the complaints procedure is scarce, as the scope is limited. For instance, complaints against the armed forces and the police cannot be investigated by the Public Complaints Commission (PCC). (Disciplinary cases in respect to this category of staff are handled by different agencies -- the Police Service Commission for instance.) The same applies to complaints where a plaintiff has no personal interest. All the same, PCC has performed credibly in respect to cases brought before it. The PCC has a wide jurisdiction; it investigates and decides on all complaints made to it about administrative actions and inactions of government officials (federal, state or local) and officials of companies incorporated under the Companies Act of 1968 and 1990 as amended.

South Africa:
"Complaints procedures by ministries or agencies are not widely publicised. No agency effectively advertises its procedures and telephone numbers to elicit complaints internally against public officials. ...The Public Protector's Office has embarked on a Public Sector Awareness Programme in order to make all public servants aware of the powers and functions of this office. The PPO office has commissioned two videos, a variety of posters, information pamphlets in all 11 official languages and is arranging a series of workshops with detailed workbooks to train trainers in all state departments in all provinces as part of the Public Sector Awareness Programme. The Programme will also target rural NGOs which, in the absence of regional offices of the Public Protector, have been identified as the most cost-effective and useful method of informing the rural public."

Table 17: Resource Levels for Supreme Audit Institutions

	Reference Year	**Personnel**	**Of these: Auditors**	**Annual Budget in $US****
Cameroon	1998/1999	144	72 Inspecteurs et Controleurs d'Etat	1,695,053
Gabon	n.a.*	n.a.	n.a.	n.a.
Ghana	1998/1999	1,264 (1998) 1,474 (1999)	735	3,884,288 (1998) 4,344,016 (1999)
Kenya	1999/2000	492	386	103,163
Madagascar	1999	41	21 (13 Inspecteurs et 8 Controleurs)	53,789
Namibia	1999/2000	59	46	1,473,120
Nigeria	n.a.	n.a.	n.a.	n.a.
Senegal	n.a.	n.a.	n.a.	n.a.
South Africa	1998/1999	1,268 (1999)	917 (Operational Staff-1999)	4,530,828
Uganda	n.a.	n.a.	n.a.	n.a.

* = not available   ** Approximation based on annual average market exchange rates

Chart 18: Types of Legislative and Judicial Review Bodies to Independently Scrutinise Administration
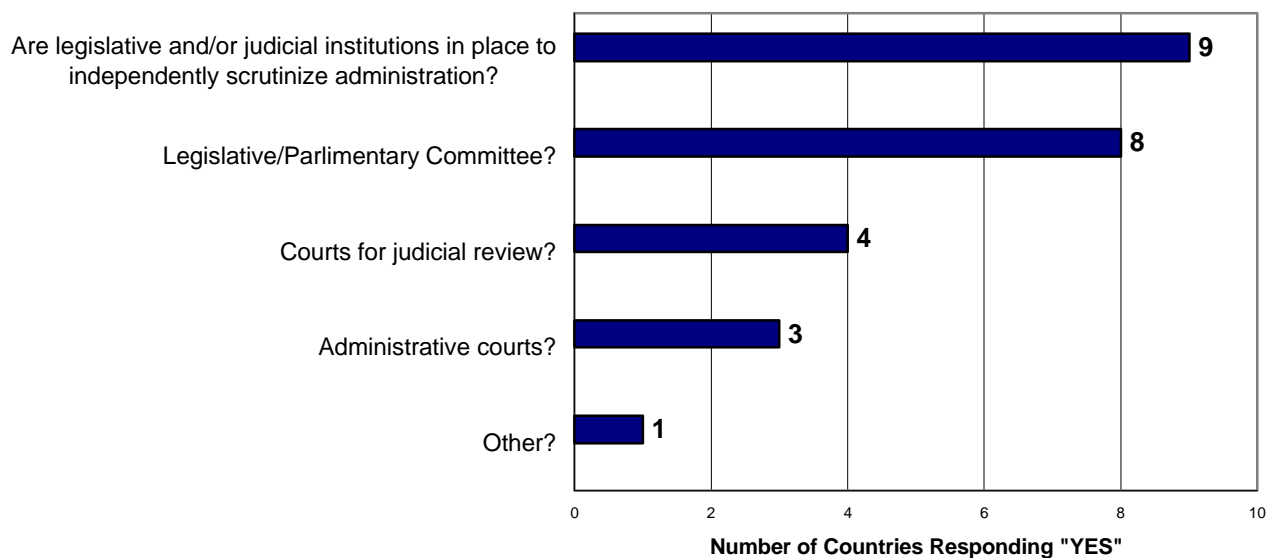
Generally, the office of the attorney general or the public prosecutor is mandated to prosecute. Again, close co-operation and co-ordination between the investigative and prosecuting agencies are needed for successful prosecutions.

Seven countries indicated that the investigating and/or other prosecuting bodies have the power to bring suspected cases of corruption directly to court. However, based on the comments provided by some of the countries, it would seem that the public prosecutor is still the main prosecuting authority or needs to be consulted closely (see Box 13).

Independent Scrutiny of Administration

In addition to all the agencies surveying the public service mentioned above, there are also either standing or ad hoc legislative committees and commissions and administrative courts or quasi-judicial tribunals such as rent tribunals or liquor boards that can also investigate wrongdoing (see Chart 18). Under the "other" category, South Africa indicated the Independent Complaints Directorate. Most countries also indicated that there are measures to bring wrongdoing to the attention of these bodies. They include: simple requests or denunciations in the legislature, legal and regulatory mechanisms, public accounts committee reports to parliament, direct receipt of public complaints, public petitions, media reports, and cases from the public prosecution office.

Evaluation of Control Measures

Because compliance with statutory standards and administrative rules is the most basic or minimal requirement in managing the conduct of public servants, its is important to have effective control measures. The national consultants were asked to identify what they thought were successful instruments in preventing corruption and major impediments to reducing corruption in the public service in their respective countries. While specific examples and observations are summarised in this chapter, the issue is also addressed in more detail and length in some of the country reports published in Volume II of this report.

Regarding the successful instruments, many countries indicated that sound legislation, good management, desirable working conditions, successful prosecutions and removal from office of guilty public servants, etc. can generally work to prevent corruption. Other specific measures include:

- peer pressure, where a circular is sent around, noting cases against employees that have resulted in penalties (South Africa),

- prosecution of offenders to serve as deterrence to others and forfeiture of corruptly acquired assets (Nigeria),
- public awareness and civic education programmes (Uganda).

Regarding impediments to reducing corruption, again, many general observations were made. In addition, the following problems merit mention:

- Complicated anti-corruption legislation based on which it is difficult to prove corruption, so that other criminal charges, such as fraud, have to be employed (South Africa, Uganda),
- Lack of even subsistence level public service wages (Cameroon, Ghana, Madagascar, Nigeria),
- Restricted access to information on government activities by the press and researchers (Ghana),
- Social values which do not condemn corruption or punish offenders but rather place needs of the extended family above public interest (Ghana, Madagascar, Nigeria),
- Lack of an anti-corruption agency or other strong watchdog institutions (Kenya, Madagascar, Namibia, Nigeria, Uganda),
- Political intervention (Gabon),
- Concentration of power in the administration, especially the preponderant role of the finance ministry (Senegal).

Without consistent and effective enforcement measures in place, the preventive aspects of the ethics infrastructure would remain hortatory at best. Clearly defined procedures, adequately resourced institutions, and the political will to investigate complaints and allegations and punish wrongdoing are essential to overseeing the conduct of public servants. The countries in the sample show that they have procedures and institutions in place. Some countries have shown much progress in recent years.

For others, however, the effectiveness of their procedures and institutions is either hard to gauge -- due to a lack of information to measure performance -- or in doubt -- due to a lack of clearly demonstrated political will.

Box 13: Consultants' Comments on Prosecution of Corruption

Cameroon:
" The police inspectors send the file to the Court for following up on the procedure, as with any other infraction. No special arrangement for cases of corruption."

Ghana:
"The Police and Serious Fraud Office have to refer cases to the Attorney General for approval before prosecution. Their powers of prosecution is indirect and, as a result, the Commission for Human Rights and Administrative Justice reports to Parliament and may prosecute. But so far no cases of corruption have been prosecuted by CHRAJ."

Nigeria:
"Although they are empowered to do so, there is to date no data suggesting how often it has been done."

Senegal:
"The Agence Judicière de l' Etat (Attorney General) is in charge of bringing all cases other than state taxes and property in front of the tribunals. The Agence Judicière de l' Etat has a mandate to take any necessary legal action for the recovery of state property."

CHAPTER 8: THE ROLE OF NON-GOVERNMENTAL ACTORS IN PUBLIC SERVICE ETHICS

Thus far, the range of government agencies and units that are involved in upholding ethics in the public service have been presented, covering legislative, executive and judicial governance functions. However, in democracies where the government and the public service is ultimately accountable to the populace of a country, it is very important to see what role the civil society can take in demanding accountability, transparency, and integrity in its government.

Given the broad range of political, social and economic conditions found in Sub-Saharan Africa, as described in Chapter 2 of this report, it is even more important to see how the private sector and civil society are involved in monitoring the conduct of a country's public servants. This is especially important since both sectors are also often in a development process in Sub-Saharan Africa. This chapter presents the findings on the state of involvement of the business community and civil society and examines how governments themselves facilitate this involvement through the transparency of their operations. Efforts by organisations in these two sectors to manage their own conduct will also be taken into account in this chapter. The development context of Sub-Saharan countries also requires an analysis of the role of international donor organisations in anti-corruption initiatives.

The Private Sector

Private sector businesses depend on government services to operate. They exist within a legal and regulatory framework that dictates under what terms and conditions they can carry out their activities. At the same time, many private sector companies depend on the government as a source of business. Particularly, companies supplying governments' procurement needs and providing contractual labour fall into this category. It is a well-known fact that in the face of competition from other companies, many firms will resort to bribery and other tactics to win public sector business. It is in this interface where much corruption and unethical conduct is found.

Generally, several measures can be introduced, both in the public and private sectors, to regulate this situation. These include -- among others -- registries of corrupt firms, voluntary corporate codes of conduct, professional associations monitoring the professional conduct of their members, and business associations or organisations actively fighting corruption and crime. The study attempted to survey the prevalence of these measures in the sample countries.

Worldwide, many countries have been introducing "blacklisting" or barring companies that have engaged in corrupt practices such as offering bribes to win government contracts from future business. Among the study countries, only Nigeria reported that a registry of corrupt firms exists. It reported that corrupt firms and businesses that are found to have defrauded the federal and state governments through the non-execution of projects after collecting money are blacklisted - usually after the government has set up a commission of enquiry. At present, government contracts that were awarded to both foreign and domestic contractors from 1983 to 1998 are being reviewed by the new government of President Obasanjo. Although Madagascar did not indicate a blacklist of corrupt firms, it did report that there is also a list of companies that have not met the terms of their contracts. These companies are barred from the tendering process for a period ranging from three months to five years.

Regarding voluntary corporate codes of conduct,

for those sample countries where a response was given, both Cameroon and South Africa estimated that about 20 percent of businesses have a code while Nigeria indicated about 50 percent.   South Africa further cited a 1997/8 KPMG study of the top 100 South African corporations where 67 percent indicated in their annual reports that they had a code.   Ghana noted that the Ghana Employers Association has 512 members that have both an administrative manual and a code of conduct.

South Africa described the scope of the codes of conduct as covering the following areas: the general obligations of managers and employees and their relations with suppliers and customers, company values, expected behaviour, guidelines in terms of conflicts-of-interests, company assets, gifts, sexual harassment, fraud, and corporate governance. Ghana described the scope of its corporate codes as covering conflicts-of-interest, compromising conduct, insurbodination, pilfering, idling, punctuality, absenteeism, drunkenness, working to rule, staff movements,   boards,   waste,   security con-sciousness, and discipline. Nigeria reported that, in general, the codes cover probity in business transactions and respect for the laws of the country.

All countries, with the exception of Cameroon, described professional associations -- for example of lawyers, accountants, doctors, etc. -- as having a role in promoting professional conduct and censuring members. They promote professionalism through their organisation charters and rules, codes of conduct, and offering training courses.   They also regulate standards of the profession through licensing and registration procedures.   In the event of misconduct, the member may be suspended or have his or her licence or registration revoked. The Law Society of Kenya, for example, lists all cases of corrupt members after investigating complaints about them. The Society also suspends its errant members and even removes some of them from the register depending on the seriousness of the offence. Some are also charged in a court of law.

Finally, five countries (Ghana, Kenya, Nigeria, Senegal and South Africa) affirmed the presence of business organisations that are involved in proactively combating corruption and organised crime. Both Nigeria and South Africa reported that chambers of commerce are involved in anti-corruption efforts.   In Nigeria, the Lagos Chamber of Commerce has commissioned a project on transparency in business. In addition, South Africa also mentioned the presence of organisations or associations such as Business Against Crime and the Institute of Directors.

Civil Society

In the context of the study countries,   civil society -- mainly composed of extended families, tribal groups, religious institutions, and other non-governmental organisations (NGOs) representing special interests -- is an important countervailing force in countries with centralised states. It represents the citizens as beneficiaries of government regulation and intervention, clients of government services, and consumers of public and private goods.   As such, civil society organisations have a very important role to play in overseeing the performance of a government, including its integrity.   With spreading democratisation in the region, civil society organisations, though sometimes in a fledgling state, are increasingly calling for greater transparency and accountability from their governments.

Half or more of the sample countries indicated that religious institutions such as churches, Transparency International country chapters, and other NGOs play a role in monitoring public sector corruption.   It is worth noting that no country reported the general involvement of organisations representing the village or tribal level, although Nigeria reports cases of local associations taking action against government and private enterprise (including corruption), particularly in the Niger delta. Of those coun-tries that listed other organisations, the following were included:

- **Cameroon**: Club Ethique du Cameroun.
- **Ghana**: Center for Democracy and Development, Institute of Economic Affairs.
- **Kenya**: Institute of Economic Affairs, Operation Futa Magendo, Budget Watch, NGO Working Group on Public Budgets, Social Development Network.
- **Senegal**: Forum Civil, Organisation Nationale du Droit de l'Homme (ONDH), Rassemblement Africain pour le Droit de l'Homme (ADHO).
- **South Africa**: Institute for Security Studies, Institute for Democracy in South Africa, Centre for the Study of Violence and Reconciliation, Public Service and Accountability Monitor at Rhodes University.
- **Uganda**: Uganda Debt Network.

In their role as private research institutes or NGOs, or as networks between private and government entities, these organisations carry out an array of anti-corruption activities. Le Club Ethique du Cameroun has a mandate of promoting moral leadership in the country. In Ghana, the Institute of Economic Affairs published five major reports on corruption in 1999. The above-mentioned groups in Kenya are currently monitoring the work of the Kenya Anti-Corruption Authority (KACA). In the past, the NGOs under the auspices of the NGO Council have run campaigns against corruption in the Public Service. In Madagascar, both catholic and protestant church groups are involved in activities ranging from pushing for greater social justice to making legislative texts available to the public. In Nigeria, Transparency International-Nigeria publishes annual reports and press releases. Community organisations, especially in the Niger Delta oil producing areas, usually confront the government and oil companies on issues relating to corruption. In Senegal, le Forum Civil has been mounting media campaigns in the wake of the latest Transparency International Corruption Perception Index and advocating transparency in public finance management in a local language.

The South African Non-Governmental Coalition (SANGOCO) recently adopted an anti-corruption initiative as well as its code of ethics. The NGO sector is also involved in the Cross-Sectoral Task Team hosted by the Public Service Commission.

In order for civil society organisations to be effective watchdogs, ordinary citizens need to know the limits of government and what their own obligations and rights are. These issues are addressed in civic education. Thus in answer to the question on whether civic education addressing governance, democratic, public interest, and ethics issues is being currently carried out, nine countries except for Gabon answered affirmatively. Of the various actors sponsoring such public awareness programmes, it is worthy of note that religious institutions such as churches and NGOs are the most active (see Table 18).

Government Transparency

In order for the private sector and civil society to properly play a monitoring role, they need access to information on government operations and performance. Many governments around the world are enshrining in legislation the right to information. Thus access to or freedom of information acts spell out government policy on what information can be accessed by whom, barring the need to guard national security and individual privacy rights.

Table 18: Sponsorship of Civic Education

Carried out by	CMR	GAB	GHA	KEN	MDG	NAM	NGA	SEN	SAF	UGA
Government	No	No	No	No	No	No	Yes	Yes	Yes	Yes
Schools	Yes	No	No	No	Yes	No	Yes	No	Yes	No
Universities	No	No	No	No	No	No	Yes	No	Yes	No
Religious institutions	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Tribe or village associations	No	No	No	No	No	No	Yes	No	No	No
NGOs	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Other	No	No	No	Yes	No	No	No	No	No	No

Countries: CMR=Cameroon, GAB=Gabon, GHA=Ghana, KEN=Kenya, MDG=Madagascar, NAM=Namibia, NGA=Nigeria, SEN=Senegal, SAF=South Africa, UGA=Uganda

Three countries -- Gabon, Madagascar, and Uganda -- indicated that they have legislation on access to information in place. South Africa reported that steps have been taken to enact such a piece of legislation.

In addition to facilitating obtaining information, governments also play a proactive role in informing the public of their activities. A majority of the countries indicated that there are state-run press and media as well as government press releases and conferences to disseminate their activities. Less than half indicated using the Internet through government-wide or ministry-level web-sites or having government bookshops (see Chart 19). Also, only four countries indicated that governments routinely publish potentially sensitive information on major financial transactions such as winning tenders in privatisations.

In light of significant state control of infor-mation on government activities, it becomes very important to have the presence of inde-pendent press and media. Also, investigative journalism can play a valuable role in providing objective information, thus serving as a check and balance to state-generated information. Six countries showed that such training exists, mainly offered by journalism training institutions.

The comments from countries indicate that despite the protection of freedom of the press, sometimes in the constitution, other libel and slander laws weaken this protection. Moreover, five countries described some form of government interference and, in some cases, intimidation in covering public sector corruption. Despite these constraints, journalists have played an indispensable role in exposing corruption and other social ills -- often at great personal risk. With an imbalanced system of checks against the executive branch within the political system, as sometimes found in African countries, a free press often has to play a crucial role in providing transparency and political control on behalf of the public.

Chart 19: Government Information Sources

Number of Countries Responding "YES"
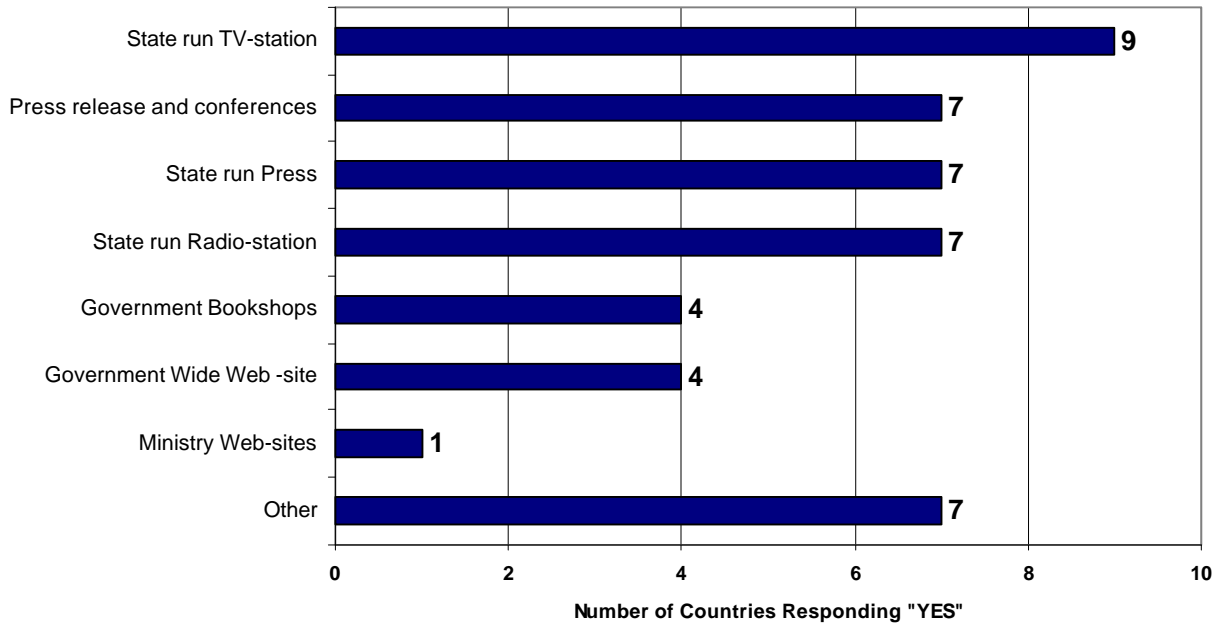
Against this background, it seems to be important to encourage and protect responsible and professional reporting.

The Role of Donors

The role of international donors in assisting developing countries to combat corruption has to be analysed at two levels. International organisations and bilateral donors have been increasingly calling for good governance and better public sector management, and focusing their programme and funding activities on this area. The IMF and the World Bank, to give one example, recently froze their loans to some countries where corruption was viewed as severely hampering development projects. However, the administration and disbursement of loans and foreign aid can itself be susceptible to corruption, similar to any national government activity. In the past, some development projects have become a target and a source of fraudulent behaviour. International

financial institutions are increasingly taking action to build in safeguards against corruption in their administrative procedures; however, this can never be a complete guarantee against fraud and other corrupt practice.

The comments from the sample countries generally weigh in favour of international donor involvement in combating corruption.

Only one country mentioned incidents of fraud carried out by contractors of an international donor. The range of activities funded and assisted by international donors in the study countries cover financing corruption perception research studies, workshops and study tours for public officials, assisting public prosecution capacity in fighting corruption, and generally raising public awareness.

The countries surveyed indicate varying degrees of the involvement of private sector and civil society organisations in overseeing ethics or

combating corruption in the public service. Given the important functions that these organisations have, from setting standards and regulating behaviour of professions to reporting on government performance, it is crucial that they be aware of government activities.

The countries in the survey show that governments have developed means to communicate about their activities. However, more involvement by media with sponsorships other than the governments themselves would contribute to greater transparency of and credibility for government actions.

CHAPTER 9: CONCLUSION

This report attempts to capture the most salient findings conducive to concrete action and improvements in promoting ethics and preventing corruption in the public service in Sub-Saharan Africa. The country reports presented in Volume 2 to this report try to give a comprehensive and qualitative, albeit more impressionistic overview of the situations unique to the countries.

The countries participating in this study were chosen to represent the diversity of conditions on the African continent. In this sense, the main findings and some proposals for the way forward will be presented in order to shed light on and offer guidance to other countries that share similar backgrounds and conditions.

Context and Structure of the Public Service

Currently, the region – despite pockets of progress -- has been declining economically and socially, as shown by various fiscal, health and other indicators. However, since the early 1990s, many countries have committed themselves to democratisation and are trying to respond to calls for good governance and better public administration. As a result, one major issue of concern has been building up public service integrity, accountability and transparency. There is wide consensus that unchecked corruption is impeding socio-economic development and eroding confidence in governance institutions. Managing the conduct of public servants, thus stemming corruption from the "demand" side, is a major part of building up the capacities of public administration to better serve the public and further the goals of development.

The study shows that in all participating countries, the issue of ethics and the management of

conduct in the public service has recently been addressed in research and programme development. While it may be too early for an in-depth evaluation of specific programmes, the countries indicate that much has already been accomplished in the way these issues are now addressed and a forum for public discourse and programme development is provided, particularly within the past two or three years. In the study countries, some ethics campaigns have been conducted through public exhortations, codes of conduct exercises, etc. Some countries are also beginning to push for better ethical standards in other segments of society beyond the government through introducing private sector and NGO codes of conduct. This area seems to be particularly promising since the provision and maintenance of an effective public service ethics infrastructure is only one component of the general moral tone in any society. A way forward with public service ethics campaigns at the national level recommended by this study could be to focus them more specifically, to target certain groups, mobilise adequate resources, and spend the time and effort to better communicate the campaign goals to the public servants. Ideally, this should be embedded into a broader client-orientation strategy for the public administration since many corruption perception studies persistently show a high degree of mistrust by the public of their governments.

As described in Chapter 2, the countries in the region have the legacy of colonial administrations which largely shaped their current legal systems, organisational structures, and administrative systems. The European colonial powers have bequeathed a state structure that has given preference to extracting resources and benefits for those in power over serving the local population. Since independence, the countries have been trying to transform this situation, in

some cases, however, set back by the continuous rule of single party systems. The process seems to be long term, and setbacks have to be taken into account and compensated for; this fact is reflected in the present strategies found in the participating countries to further develop and sustain their public service ethics infrastructures, 40 years or more after political independence.

As part of getting a sense of government organisation and administrative structures, the study asked for basic data on the profile of the public service workforce, salary structures, and managing agencies. Many governments were unable to provide basic figures and statistics because they are not being collected systematically or are inaccessible. Given the resource constraints that many governments are facing, this is not an unexpected situation. However, since information is the foundation for any policy-making or programming, managing the workforce and its performance, and for evaluating the capacity of public agencies, it is very important to ensure that it is collected and distributed in a timely fashion. One major finding of the study is, therefore, that the capacity to collect basic public service statistics needs to be greatly boosted to manage not only the conduct of but all other aspects of the public service. Another finding is that in most countries, the public service salary structures need to be improved, both in terms of adjusting the compression of the levels, in keeping up with inflation, and in comparison with the private sector. This is a difficult issue to resolve, especially when resources to deal with the situation are severely limited. However, since the situation in the study countries indicate that salary structures differ by the rank of a public servant and by the sector in which he or she works, one way forward could be to target and limit reforms rather than applying them across the board.

Guiding the Conduct of Public Servants

Under the theme of guidance for the public servants in how they are to conduct themselves, the frameworks of core values, specified legal and administrative standards, ethics advice and counselling, and legislative prohibitions and restrictions in place in each country were examined. The individual responses reveal that, first, values and standards are insufficiently communicated after basic induction training of the public servants. However, there is consensus among researchers and practitioners that any attempt to enhance ethical, responsible and responsive professional performance of public administrators needs to be backed up by continuous staff training and regular reminder activities on what a service-oriented, reliable and accountable public administration is about. Second, current standards in many countries do not sufficiently address new areas of concern such as the use of credit cards, official travel, movement to the private sector, post-employment, and lobbying. Maybe these have not yet become pressing areas of concern in the countries in the region, but they are gaining more prominence in other parts of the world. Surprisingly, one age-old concern, that of nepotism or inappropriate employment and supervision of family members, also does not seem to be adequately addressed. Nepotism, tribalism and patrimonialism have been identified as a major impediment to professionalism in many parts of the developing world and should be very important targets for reform. Third, the prevention of corruption or even inadvertent violation of standards have not been given proper attention through ethics advice or counselling. Usually, compliance with minimum standards begins with an adequate knowledge of their existence and provisions. Not many countries have designated, trained specialists to assist managers and employees about dealing with corruption provoking situations or ethical quandries. Finally, the sample countries show that there are difficulties in applying existing criminal code provisions against corruption or specific anti-corruption laws due to the complexity of the texts and the onerous burden of proof in a crime that is not often visible. Again, the extent of this difficulty is hard to assess as enforcement and case statistics do not seem to be kept systematically.

In short, the study countries show that they have in place values, standards, and laws that criminally condemn corruption, unethical acts, and incidents of maladministration. However, they are sometimes outdated and do not sufficiently cover technical developments or social trends. Also, even those values and standards that are in place are not adequately communicated to the public servants or the public in general. This situation leads to a recommendation that training and communication efforts would be a starting basis for highlighting the need for better behaviour. Furthermore, a simplification and harmonisation of the existing texts and routine collection of pertinent data may be a step in the right direction. The study findings suggest the guidance of conduct for public servants as one primary area for further programme activity.

Managing the Conduct of Public Servants

Managing the conduct of public servants entails having in place -- among other systems -- an overall national integrity strategy, sound human resources management practices, and comprehensive disclosure procedures. Essentially, managing the conduct of public servants means being able to monitor their behaviour and being able to detect any systemic failures that allow high degrees of misconduct in order to take prompt remedial action.

Although just over half of the sample countries espouse a national integrity strategy or broader ethics or anti-corruption policies, few seem to have coordinating strategies in place. Furthermore, few of them have the capacity to perform risk assessments to better target their efforts, to analyse systemic failures through seeking trends in criminal and disciplinary cases, or to provide a checklist of prevention strategies. This situation is not too surprising when viewed in the light of the overall lack of systematic collection of basic public service information. Although undertaking these activities may be difficult at first, the potential for payoff of carrying out such a broad analysis is very high.

Fair and transparent human resources policies and practices are the foundations for creating a professional and ethical public service. The majority of the national consultants did not express a high degree of confidence in the existing systems. They did not see merit playing a large role in the selection process, nor the public service leadership providing a good example to the rest of the service. And in cases of misconduct, although disciplinary procedures are in place, they are not well known by supervisors or managers and probably therefore seldom used. In situations where petty corruption and lax performance have become a habitual part of the working environment, reform cannot really begin until some disciplinary actions have taken place. This requires training programmes for managers and supervisors and the provision of protection measures for those public servants willing to report on criminal or other serious misconduct of their peers. A culture of professionalism should be fostered through sound human resources management.

A good disclosure system can be the basis for successfully enforcing criminal and other legal anti-corruption provisions. It is very difficult to prove illicit gains without baseline information of the assets and interests of public officials. Although most of the study countries have disclosure requirements for their public officials, upon closer examination, they are not as comprehensive or detailed enough to be able to capture all the possible violations of prohibited areas or conflicts of interest. Also, there did not seem to be systematic verification in place. Managing disclosures is an area where technical assistance can be sought from those countries where workable systems are in place. It is a matter of adapting them to the needs and levels of the country concerned.

In order to monitor how public servants are behaving, rather than relying on hearsay or anecdotes, it is essential to have in place systems for collecting and analysing basic information. Furthermore, it seems to be crucial to provide basic human resources management and disclosure procedures that create confidence in

the public service structure.

Control of Conduct of Public Servants

Measures for guiding and managing the behaviour of public servants require enforcement procedures to be effective. Enforcement serves two purposes: sanction of violations of established standards and deterrent for others contemplating similar actions.

In this endeavour, complaints or reporting procedures are the starting points. However, the survey results indicate that they are not widely known in many of the study countries, making corrupt and unethical acts difficult to report. These procedures, both internally for public servants and externally for the general public, need to be simplified and widely publicised in order to function properly. Second, for those people who choose to report wrongdoing, adequate protection needs to be in place. Again, although whistle-blower protection may exist in writing, there seem to be insufficient practical measures in place such as transfers of work and anonymity to really protect those that expose corruption or ethical violations. This study identified a need to strengthen such practical measures. Third, independent oversight agencies such as the Ombudsmen, Inspectors General, Auditors General, etc. need to have the institutional capacities to carry out their mandates. Based on the limited information gathered by the study, it is hard to gauge their capacities in terms of staffing and budget levels. However, comments by the national consultants would indicate that they are inadequate. These institutions need to have the manpower, equipment, and training to function adequately. Similar observations can also be made about frontline criminal investigative agencies that usually investigate corruption such as the police. Fourth, in terms of financial control, very few countries show that internal and external audit reports are widely circulated or made public. Without wide circulation, it is difficult to build up the consensus for pushing for changes. Finally, few countries actually seem to prosecute corruption, either because of the difficulties involved in proving the crime or a lack of political will. This would be the final step in enforcement, and without a clear demonstration of will to take this final step, the other preceding steps are likely to lose their importance. Actions to improve the situation can involve simplifying the existing criminal legislation, considering options for shifting the burden of proof, and providing assistance to public prosecutors in carrying out their work.

Role of Non-Governmental Actors

Given the development of private sector and civil society organisations in the region, the countries show that they are surprisingly active. Both sectors, however, still need to be encouraged through resources and capacity-building in order to provide public scrutiny of government operations and performance. Ultimately, they need to reset the balance in the governance equation of a country through demanding accountability, transparency, and ultimately, change.

Governments need to be persuaded that it is in their interest to have a strong and effective private sector and civil society. They need to enhance their transparency by sharing information about their activities. Although this is already being done to some degree, harnessing technological developments in the field of e-governance and publicly accessible electronic information systems could possibly augment these present efforts further.

At the same time, the public reporting and checking function of private media and press views are needed to ensure that government communications do not become mere propaganda. The survey indicates that, in many study countries, the press is still not entirely free to express its views or operate without government interference. Press need more freedom but should also demonstrate a sense of professional responsibility to inform the public without undue bias.

Outlook

The public service, as an institution, has a valuable contribution to make towards the development of countries in Sub-Saharan Africa. Among the efforts that have been made to modernise and revitalise the public service, more attention has been paid to the ethical dimensions during recent years. The sample countries in the study indicate that a planned and co-ordinated approach to enhancing ethics, both within the public service and outside, would yield the best results.

To conclude, this report recommends a two-pronged approach towards public service ethics. First, this report demonstrates that the encouragement of ethical conduct on the part of public servants requires an active and persistent addressing of pertinent issues from within and outside the public sector. One example of reform from within the public sector among the sample countries is Ghana, which recently announced that ministers designate and would-be political office holders in the Kufuor Administration will have to declare their assets before taking office.[27] Examples of pressure from outside the public sector are found in a number of study countries where newly-founded citizens groups have been calling for more openness and accountability on the part of their governments. Second, the findings of this study also suggest that the enhancement of public service ethics will come as a by product of other public sector reforms and improvements. It has been stated by the national consultants and their interviewees that old and insufficient equipment, an inadequate remuneration structure or power imbalances between the executive, legislative and judiciary branches of government -- to name just a few examples -- have contributed towards the deterioration of conduct in the public service. Any reform attempts in these areas will, thus, also lead towards, or at least facilitate, the enhancement of public service ethics.

The recent steps for the enhancement of public service ethics in Africa, and their progress, may provide lessons for other parts of the world. What makes African examples particularly interesting for countries in other developing regions is the fact that the administrative systems in Africa often have a complex interface with coexisting regulatory and welfare systems based on tradition, kinship, community and ethnicity. In order to be successful, any attempt towards the improvement of the public service has to keep these fragile and often conflicting relationships in mind.

Ultimately, ethics in the public service must be understood as an integral element of the role of public administrations in the achievement of good governance.

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27 Africa News, "Declared Assets To Be Verified", January 17, 2001.

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United Nations Resolutions

(a)   (1996) *Action Against Corruption* with an *International Code of Conduct for Public Officials* (A/RES/51/59)
[http://www.un.org/documents/ga/res/51/a51r059.htm]

(b)   (1996) *UN Declaration Against Corruption and Bribery in International Commercial Transactions* (A/RES/51/191)
[http://www.un.org/documents/ga/res/51/a51r191.htm]

(c)   (1997) *International Co-operation Against Corruption and Bribery in International Commercial Transactions* (A/RES/52/87)
[http://www.un.org/ga/documents/gares52/res5287.htm]

(d)   (1998) *Action against Corruption and Bribery in International Commercial Transactions* (A/RES/53/176)
[http://www.un.org/documents/ga/res/53/a53r176.pdf]

(e)   (1999) *The Prevention of Corrupt Practices and Illegal Transfer of Funds* (A/RES/54/205)
[http://www.un.org/documents/ga/res/54/a54r205.pdf]

These documents have been posted online by the United Nations. Reproduction and dissemination of the documents - in electronic and/or printed format - is encouraged, provided acknowledgement is made of the role of the United Nations in making them available.

Action against Corruption with the United Nations International Code of Conduct

Resolution adopted by the General Assembly (A/RES/51/59)

The General Assembly,

Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Also concerned about the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering,

Convinced that, since corruption is a phenomenon that currently crosses national borders and affects all societies and economies, international cooperation to prevent and control it is essential,

Convinced also of the need to provide, upon request, technical assistance designed to improve public management systems and to enhance accountability and transparency,

Recalling the Inter-American Convention against Corruption,[1] adopted by the Organization of American States at the Specialized Conference for Consideration of the Draft Inter-American Convention against Corruption, held at Caracas from 27 to 29 March 1996,

Recalling also its resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991, and Economic and Social Council resolutions 1992/22 of 30 July 1992, 1993/32 of 27 July 1993 and 1994/19 of 25 July 1994,

Recalling in particular its resolution 50/225 of 19 April 1996, adopted at its resumed session, on public administration and development,

Recalling Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

Recalling also the work carried out by other international and regional organizations in this field, including the activities of the Council of Europe, the European Union, the Organisation for Economic Cooperation and Development and the Organization of American States,

1. Takes note of the report of the Secretary-General on action against corruption[2] submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

2. Adopts the International Code of Conduct for Public Officials annexed to the present resolution, and recommends it to Member States as a tool to guide their efforts against corruption;

3. Requests the Secretary-General to distribute the International Code of Conduct to all States and to include it in the manual on practical measures against corruption,[3] to be revised and expanded pursuant to Economic and Social Council resolution 1995/14, with a view to offering both those tools to States in the context of advisory services, training and other technical assistance activities;

4. Also requests the Secretary-General to continue to collect information and legislative and regulatory texts from States and relevant intergovernmental organizations, in the context of his continuing study of the problem of corruption;

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[1] See E/1996/99.

[2] E/CN.15/1996.5.

[3] International Review of Criminal Policy, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

5. Further requests the Secretary-General, in consultation with States, relevant intergovernmental and non-governmental organizations, as well as in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to elaborate an implementation plan and submit it to the Commission on Crime Prevention and Criminal Justice at its sixth session, in conjunction with his report to be submitted pursuant to Economic and Social Council resolution 1995/14;

6. Urges States, relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in elaborating the implementation plan and in implementing paragraph 4 above;

7. Urges Member States carefully to consider the problems posed by the international aspects of corrupt practices, especially as regards international economic activities carried out by corporate entities, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities;

8. Requests the Secretary-General to intensify his efforts to closely cooperate with other entities of the United Nations system and other relevant international organizations and to more effectively coordinate activities undertaken in this area;

9. Also requests the Secretary-General, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to Member States, at their request, in particular in the elaboration of national strategies, the elaboration or improvement of legislative and regulatory measures, the establishment or strengthening of national capacities to prevent and control corruption, as well as in training and upgrading skills of relevant personnel;

10. Calls upon States, relevant international organizations and financing institutions to extend to the Secretary-General their full support and assistance in the implementation of the present resolution;

11. Requests the Commission on Crime Prevention and Criminal Justice to keep the issue of action against corruption under regular review.

82nd plenary meeting

12 December 1996

International Code of Conduct for Public Officials

I. General principles

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.

2. Public officials shall ensure that they perform their duties and functions efficiently, effectively and with integrity, in accordance with laws or administrative policies. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

II. Conflict of interest and disqualification

4. Public officials shall not use their official authority for the improper advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.

5. Public officials, to the extent required by their position, shall, in accordance with laws or administrative policies, declare business, commercial and financial interests or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between the duties and private interests of public officials, they shall comply with the measures established to reduce or eliminate such conflict of interest.

6. Public officials shall at no time improperly use public moneys, property, services or information that is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Public officials shall comply with measures established by law or by administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

III. Disclosure of assets

8. Public officials shall, in accord with their position and as permitted or required by law and administrative policies, comply with requirements to declare or to disclose personal assets and liabilities, as well as, if possible, those of their spouses and/or dependants.

IV. Acceptance of gifts or other favours

9. Public officials shall not solicit or receive directly or indirectly any gift or other favour that may influence the exercise of their functions, the performance of their duties or their judgement.

V. Confidential information

10. Matters of a confidential nature in the possession of public officials shall be kept confidential unless national legislation, the performance of duty or the needs of justice strictly require otherwise. Such restrictions shall also apply after separation from service.

VI. Political activity

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

United Nations Declaration against Corruption and Bribery in International Commercial Transactions

Resolution adopted by the General Assembly (A/RES/51/191)

The General Assembly,

Recalling its resolution 3514 (XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, in international commercial transactions, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices, and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Recalling also the further work carried out by the General Assembly and the Economic and Social Council on the issue of illicit payments and on elaborating a code of conduct on transnational corporations,[1] consideration of which helped call attention to and raise international awareness of the adverse consequences of bribery in international commercial transactions,

Recalling further its resolution 50/106 of 20 December 1995, in which it recommended that the Economic and Social Council consider the draft international agreement on illicit payments at its substantive session of 1996 and report to the Assembly at its fifty-first session,

Welcoming the steps taken at the national, regional and international levels to fight corruption and bribery, as well as recent developments in international forums that have further advanced international understanding and cooperation regarding corruption and bribery in international commercial transactions,

Noting the adoption in March 1996, by States members of the Organization of American States, of the Inter-American Convention against Corruption,[2] which includes an article on transnational bribery,

Noting also significant continuing work relevant to and consistent with the objectives of the present resolution in other regional and international forums, such as the continuing work of the Council of Europe and the European Union to combat international bribery, as well as the commitment by the States members of the Organisation for Economic Cooperation and Development[3] to criminalize bribery of foreign public officials in international commercial transactions in an effective and coordinated manner and further examine the modalities and appropriate international instruments to facilitate criminalization, and to re-examine the tax deductibility of such bribes with the intention of denying such tax deductibility in the member States that do not already do so,

1. Adopts the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, the text of which is annexed to the present resolution;

2. Notes the work being undertaken by the United Nations and in other international and regional forums to address the problem of corruption and bribery in international commercial transactions, and invites all States concerned to pursue the completion of such work;

3. Invites Member States, in accordance with the Declaration, to take appropriate measures and cooperate at all levels to combat corruption and bribery in international commercial transactions;

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[1] E/1991/31/Add.1.

[2] See E/1996/99.

[3] See E/1996/106.

4. Requests the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice:

   (a) To examine ways, including through legally binding international instruments, without in any way precluding, impeding or delaying international, regional or national actions, to further the implementation of the present resolution and the annexed Declaration, so as to promote the criminalization of corruption and bribery in international commercial transactions;

   (b) To keep the issue of corruption and bribery in international commercial transactions under regular review;

   (c) To promote the effective implementation of the present resolution;

5. Invites other bodies of the United Nations system, including the United Nations Conference on Trade and Development, whose competence extends to this matter, to take action as appropriate within their mandates to promote the objectives of the present resolution and the Declaration;

6. Encourages private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions to cooperate in the effective implementation of the Declaration;

7. Requests the Secretary-General to inform Member States, the relevant bodies and the specialized agencies of the United Nations system, and international, regional and non-governmental organizations, of the adoption of the present resolution, to encourage action towards making its provisions widely known and to promote its effective implementation;

8. Also requests the Secretary-General to prepare a report, for consideration by the General Assembly at its fifty-third session, on the progress made towards implementation of the present resolution and the steps taken by Member States, international and regional organizations and other relevant institutions to combat corruption and bribery in international commercial transactions; on the results of the work in this regard undertaken by the Commission on Crime Prevention and Criminal Justice and other bodies of the United Nations system; and on measures taken in accordance with the present resolution to promote social responsibility and the elimination of corruption and bribery in international commercial transactions;

9. Invites Member States and competent international, regional and non-governmental organizations to provide relevant information to assist the Secretary-General in preparing the above-mentioned report;

10. Decides to include in the provisional agenda of its fifty- third session, under an item entitled ABusiness and development, a review of the report of the Secretary-General concerning the implementation of the present resolution.

86th plenary meeting

16 December 1996

United Nations Declaration against Corruption and Bribery in International Commercial Transactions

The General Assembly,

Convinced that a stable and transparent environment for international commercial transactions in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources across national borders, in order, inter alia, to promote economic and social development and environmental protection,

Recognizing the need to promote social responsibility and appropriate standards of ethics on the part of private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions, inter alia, through observance of the laws and regulations of the countries in which they conduct business, and taking into account the impact of

their activities on economic and social development and environmental protection,

Recognizing also that effective efforts at all levels to combat and avoid corruption and bribery in all countries are essential elements of an improved international business environment, that they enhance fairness and competitiveness in international commercial transactions and form a critical part of promoting transparent and accountable governance, economic and social development and environmental protection in all countries, and that such efforts are especially pressing in the increasingly competitive globalized international economy,

Solemnly proclaims the United Nations Declaration against Corruption and Bribery in International Commercial Transactions as set out below.

Member States, individually and through international and regional organizations, taking actions subject to each State=s own constitution and fundamental legal principles and adopted pursuant to national laws and procedures, commit themselves:

1. To take effective and concrete action to combat all forms of corruption, bribery and related illicit practices in international commercial transactions, in particular to pursue effective enforcement of existing laws prohibiting bribery in international commercial transactions, to encourage the adoption of laws for those purposes where they do not exist, and to call upon private and public corporations, including transnational corporations, and individuals within their jurisdiction engaged in international commercial transactions to promote the objectives of the present Declaration;

2. To criminalize such bribery of foreign public officials in an effective and coordinated manner, but without in any way precluding, impeding or delaying international, regional or national actions to further the implementation of the present Declaration;

3. Bribery may include, inter alia, the following elements:

(a) The offer, promise or giving of any payment, gift or other advantage, directly or indirectly, by any private or public corporation, including a transnational corporation, or individual from a State to any public official or elected representative of another country as undue consideration for performing or refraining from the performance of that official's or representative's duties in connection with an international commercial transaction;

(b) The soliciting, demanding, accepting or receiving, directly or indirectly, by any public official or elected representative of a State from any private or public corporation, including a transnational corporation, or individual from another country of any payment, gift or other advantage, as undue consideration for performing or refraining from the performance of that official's or representative's duties in connection with an international commercial transaction;

4. To deny, in countries that do not already do so, the tax deductibility of bribes paid by any private or public corporation or individual of a State to any public official or elected representative of another country and, to that end, to examine their respective modalities for doing so;

5. To develop or maintain accounting standards and practices that improve the transparency of international commercial transactions, and that encourage private and public corporations, including transnational corporations, and individuals engaged in international commercial transactions to avoid and combat corruption, bribery and related illicit practices;

6. To develop or to encourage the development, as appropriate, of business codes, standards or best practices that prohibit corruption, bribery and related illicit practices in international commercial transactions;

7. To examine establishing illicit enrichment by public officials or elected representatives as an offence;

8. To cooperate and afford one another the greatest possible assistance in connection with criminal investigations and other legal proceedings brought in respect of corruption and bribery in international commercial transactions. Mutual assistance shall include, as far as permitted under national laws or as provided for in bilateral treaties or other applicable arrangements of the affected countries, and taking into account the need for confidentiality as appropriate:

   (a) Production of documents and other information, taking of evidence and service of documents relevant to criminal investigations and other legal proceedings;

   (b) Notice of the initiation and outcome of criminal proceedings concerning bribery in international commercial transactions to other States that may have jurisdiction over the same offence;

   (c) Extradition proceedings where and as appropriate;

9. To take appropriate action to enhance cooperation to facilitate access to documents and records about transactions and about identities of persons engaged in bribery in international commercial transactions;

10. To ensure that bank secrecy provisions do not impede or hinder criminal investigations or other legal proceedings relating to corruption, bribery or related illicit practices in international commercial transactions, and that full cooperation is extended to Governments that seek information on such transactions;

11. Actions taken in furtherance of the present Declaration shall respect fully the national sovereignty and territorial jurisdiction of Member States, as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms;

12. Member States agree that actions taken by them to establish jurisdiction over acts of bribery of foreign public officials in international commercial transactions shall be consistent with the principles of international law regarding the extraterritorial application of a State's laws.

International Cooperation against Corruption and Bribery in International Commercial Transactions

Resolution adopted by the General Assembly (A/RES/52/87)

The General Assembly,

Disturbed by the bribery of public officials by individuals and enterprises of other States in relation to international commercial transactions,

Convinced that such practices undermine the integrity of state bureaucracies and weaken social and economic policies by promoting corruption in the public sector, thus diminishing its credibility,

Convinced also that the fight against corruption must be supported by sincere international cooperation efforts,

Recalling its resolution 3514 (XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, by transnational corporations and other corporations, their intermediaries and others involved, in violation of the laws and regulations in host countries, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Recalling also Economic and Social Council resolution 1995/14 of 24 July 1995 on action against corruption,

Recalling further its resolution 50/225 of 19 April 1996 on public administration and development,

Recalling in particular its resolution 51/59 of 12 December 1996, in which it adopted the International Code of Conduct for Public Officials, annexed thereto, and recommended it to Member States as a tool to guide their efforts against corruption,

Recalling that by its resolution 51/191 of 16 December 1996 it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,

Recalling also that in its resolution 51/191 it requested the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice, to examine ways to further the implementation of that resolution and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, to keep the issue of corruption and bribery in international commercial transactions under regular review and to promote the effective implementation of that resolution,

Taking note of the report of the Secretary-General on action against corruption and bribery[1] and of the report of the Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997,[2]

Welcoming developments that have advanced international understanding and cooperation regarding bribery in transnational business, such as the Inter-American Convention against Corruption adopted by the Organization of American States on 29 March 1996,[3] which includes an article on the prohibition of foreign commercial bribery; the ongoing work of the Council of Europe against corruption, including the elaboration of several international conventions containing provisions on bribery in international commercial transactions; the ongoing work of the

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[1] E/CN.15/1997/3.

[2] E/CN.15/1997/3/Add.1, annex.

[3] See E/1996/99.

World Trade Organization to improve transparency, openness and due process in government procurement procedures; and the ongoing work of the States members of the Organisation for Economic Cooperation and Development, including, as elements, the agreement to prohibit the tax deductibility of bribes paid to foreign public officials in international commercial transactions, and the commitment to criminalize the bribing of foreign public officials in international business transactions,

1. Agrees that all States should take all possible measures to further the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions[4] and of the International Code of Conduct for Public Officials;[5]

2. Urges Member States that have not yet done so to implement relevant international declarations and to ratify, where appropriate, international instruments against corruption;

3. Also urges Member States to criminalize, in an effective and coordinated manner, the bribery of public office holders of other States in international commercial transactions, and encourages them to engage, as appropriate, in programmatic activities to deter, prevent and combat bribery and corruption, for example, by diminishing institutional barriers through the development of integrated management systems and the promotion of legal reform, in accordance with their fundamental legal principles in both the public and private sectors, by encouraging a greater role for citizens in the development of transparent and accountable government, by supporting the active participation of non-governmental organizations in the identification, planning and implementation of initiatives that raise ethical standards and practices in both government and business transactions and by providing

training and technical assistance to other States, as appropriate, and to develop and implement standards of good governance, in particular, accountability and transparency, legitimate commercial and financial conduct and other anti-corruption measures;

4. Requests the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the Declaration, including those dealing with criminalization, effective sanctions, tax deductibility, accounting standards and practices, development of business codes, illicit enrichment, mutual legal assistance and bank secrecy provisions, as well as on national anti-corruption strategies and policies, for compilation by the Secretary-General and consideration by the Commission on Crime Prevention and Criminal Justice, with a view to examining further steps to be taken for the full implementation of the Declaration;

5. Invites competent international, regional and non-governmental organizations to provide relevant information to the Commission on Crime Prevention and Criminal Justice on international efforts to combat corruption and bribery;

6. Requests the Secretary-General, subject to the availability of extra budgetary funds, to intensify technical assistance to combat corruption, providing advisory services to Member States that request such services, and urges Member States to provide the Secretariat with the necessary extra budgetary funds for such technical assistance;

7. Requests the Commission on Crime Prevention and Criminal Justice to give attention to the question of the bribery of public office holders of other States in international commercial transactions and to include in its agenda for a future session a review of action taken by States to implement the Declaration.

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[4] Resolution 51/191, annex.
[5] Resolution 51/59, annex.

70th plenary meeting
12 December 1997

Action against Corruption and Bribery in International Commercial Transactions

Resolution adopted by The General Assembly (A/RES/53/176)

The General Assembly,

Recalling its resolution 3514 (XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, in international commercial transactions, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices, and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Disturbed by the bribery of public officials by individuals and enterprises of other States in relation to international commercial transactions,

Recalling the further work carried out by the General Assembly and the Economic and Social Council on elaborating the International Code of Conduct for Public Officials[28] and a code of conduct on transnational corporations,[29] consideration of which helped call attention to and raise international awareness of the adverse consequences of corruption and bribery in international commercial transactions,

Taking note of the Rules of Conduct to Combat Extortion and Bribery in International Business Transactions of the International Chamber of Commerce,

Recalling its resolution 51/191 of 16 December 1996, by which it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, and its resolution 52/87 of 12 December 1997, by which it called for further measures to implement the Declaration,

1. Welcomes recent multilateral initiatives to combat corruption including, inter alia, the Inter-American Convention against Corruption,[30] adopted by the Organization of American States, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted by the Organisation for Economic Cooperation and Development, the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption,[31] the Manila Declaration on the Prevention and Control of Transnational Crime,[32] and the Convention on the fight against corruption involving officials of the European Communities or officials of member States of the European Union;

2. Takes note of the report of the Secretary-General entitled "Promotion and maintenance of the rule of law: action against corruption and bribery";[33]

3. Commends the work of the Commission on Crime Prevention and Criminal Justice and the Centre for International Crime Prevention of the Secretariat in combating corruption and bribery in international commercial transactions,

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[28]   Resolution 51/59, annex.
99-76393 /...
[29]   E/1991/31/Add.1.

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30 See E/1996/99
31 See E/CN.15/1998/6/Add.1, chap. I.
32 See E/CN.15/1998/6/Add.2, chap. I
33 A/53/384.

including the convening of an open-ended meeting of governmental experts;

4. Calls upon Member States to take all possible measures to further the implementation of the United Nations Declaration against Corruption and Bribery in International Commercial Transactions [34] and relevant international declarations and to ratify, where appropriate, existing instruments against corruption;

5. Requests the United Nations Conference on Trade and Development and other competent bodies of the United Nations system, within their respective mandates and agreed work programmes, to assist Member States, at their request, in implementing national programmes to strengthen accountability and transparency and in implementing relevant conventions, declarations and instruments to combat corruption and bribery in international commercial transactions, and, in that context, welcomes the valuable work done by the United Nations Development Programme in the field of governance;

6. Requests the Secretary-General, in close consultation with the United Nations Conference on Trade and Development, to report to the General Assembly at its fifty-fifth session on measures taken by Member States and competent international and regional organizations, non-governmental organizations and the private sector to implement the present resolution.

91st plenary meeting

5 December 1998

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34 Resolution 51/191, annex.

Prevention of Corrupt Practices and Illegal Transfer of Funds

Resolution adopted by the General Assembly (A/54/205)

The General Assembly,

Recalling its resolution 53/176 of 15 December 1998 on action against corruption and bribery in international commercial transactions,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Recognizing the importance of existing international and national laws for combating corruption in international commercial transactions,

Recognizing also the important role of the business community, in particular the private sector, in enhancing the dynamic process of the development of the agricultural, industrial and service sectors and the need to create an enabling environment for business in order to facilitate economic growth and development of developing countries, most especially African countries,

Mindful of the very important role that the private sector can play in fostering economic growth and development and of the active involvement of the United Nations system in facilitating the constructive participation and orderly interaction of the private sector in the development process by embracing universal principles and norms, such as honesty, transparency and accountability,

1. Condemns corruption, bribery, money-laundering and the illegal transfer of funds;

2. Calls for further international and national measures to combat corrupt practices and bribery in international transactions and for international cooperation in support of these measures;

3. Also calls for, while recognizing the importance of national measures, increased international cooperation, inter alia, through the United Nations system, in devising ways and means of preventing and addressing illegal transfers, as well as in repatriating illegally transferred funds to their countries of origin, and calls upon all countries and entities concerned to cooperate in this regard;

4. Requests the international community to support the efforts of all countries aimed at strengthening institutional capacity for preventing corruption, bribery, money-laundering and the illegal transfer of funds;

5. Decides to keep this matter under review, and in this regard requests the Secretary-General, in consultation with Member States and relevant bodies of the United Nations system, to include in the report called for in its resolution 53/176, to be submitted at its fifty-fifth session, information on progress in the implementation of the present resolution and recommendations, inter alia, with regard to repatriating illegally transferred funds to their countries of origin.

87th plenary meeting

22 December 1999

Project RAF/99/004: PUBLICSERVICE ETHICS IN AFRICA
INTRODUCTION TO THE QUESTIONNAIRE

I. Project Objective

In April 1999, the United Nations Department of Economic and Social Affairs (UN/DESA), Division for Public Economics and Public Administration (DPEPA) started work on a comparative study of public service ethics in Africa on behalf of the United Nations Development Programme (UNDP), Regional Bureau for Africa (RBA). The study will involve ten countries: Cameroon, Gabon, Kenya, Madagascar, Mozambique, Namibia, Nigeria, Senegal, South Africa, and Uganda. Botswana, Burkina Faso, Ghana, Mauritania, and Zimbabwe will serve as back-ups.

This project aims to assist national or central governments in Africa to improve the management of ethics and conduct in their public services, through surveying existing policies and programmes. To highlight best practices and gaps, a comparative report and a database of regional issues and practices as well as country reports will be prepared. These are intended to serve as a basis for introducing or improving ethics or anti-corruption policies and programmes and assist governments, development partners, and the wider public in making recommendations and funding decision.

II. Scope of the Questionnaire

The survey instrument, the attached questionnaire, is loosely based on the conceptual framework of an "ethics infrastructure" from an OECD study35 and constructed for the African context. As described in the table below, an ethics infrastructure is composed of mutually reinforcing functions and elements to achieve the necessary coherence and synergy to support a public sector environment to encourage high standards of behavior.

The questionnaire covers the public service at the national or central level which, for the purposes of this questionnaire, is defined as core government departments and agencies that are traditionally covered by a public service act (e.g. excluding public enterprises, teachers, health workers, and the military). **Questions about the police, which usually has a separate administration, have also been included, due its important role in the countries of the region. In order to have a careful look at the police, Part III Question 191 should be answered as fully and in as much detail as possible.** The questionnaire is also based on the following working definitions of key concepts:

*Institutional Values***:** principles upheld by organisations to guide public servants in carrying out their official duties, which may or may not reflect societal values which themselves may be traditional, changing or newly introduced

*Professional Ethics***:** a system of shared values and norms that delineate how public servants – as agents of the state and as members of an established profession (e.g. accounting, law, etc.) –should exercise judgment and discretion and in carrying out their official duties

*Standards of Conduct***:** required criteria for actual actions of public servants with attached penalties when breached

*Corruption***:** the use of public office for private or group gain

The questionnaire also seeks general context-setting information. Some basic data about the size, structure and composition of the public service is sought.

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35 See *Ethics in the Public Service: Current Issues and Practice*, OECD Public Management Occasional Papers No. 14, 1996. We would also like to acknowledge the Public Management Service of the OECD for sharing their draft questionnaire for a forthcoming survey on Managing Ethics in the Public Service.

Functions	Elements	Survey Issues
Guidance (prevention)	• Commitment from political leadership • Statements of values and legal standards • Training	• communication campaigns • code of conduct exercises • conflict-of-interest disclosures • post-employment restrictions • induction/ongoing training
Management (oversight)	• coordination by special body or central management agency • public sector work conditions • administrative policies and practices	• independent ethics or anti-corruption agencies or administrative units • pay levels, career structures, and other incentives • safeguards in contracting and procurement, etc.
Control (enforcement)	• legal enforcement framework • effective accountability mechanisms • public involvement	• laws enabling independent investigations and prosecutions (criminal codes, anti-corruption, civil service, and ethics) • reporting requirements and performance contracts and evaluations • private sector codes of conduct, civil society watchdogs, professional associations and trade unions

III.   Questionnaire Structure

The questionnaire is divided into seven parts:

I.   Background on the National or Central Level Public Service
II.   Background on Public Service Ethics and Anti-Corruption Initiatives
III.   Guidance for Public Servants
IV.   Management of Conduct in the Public Service
V.   Control of Public Service Conduct
VI.   Non-Government Actors
VII.   Comments

IV.   Completing the Questionnaire

You have three months to complete the questionnaire. The questionnaire in WORD 7 will be put on a diskette or sent by e-mail for you to enter in your responses by a computer. This will facilitate printing out the completed questionnaires and data transfers later on. Please provide full, descriptive answers to all open-ended questions and attach the required documents in English or French where indicated. Where the answer options do not fit, please fill in the "other" category.

As indicated on the questionnaire itself, your sources of information will be varied. You will have to approach a number of ministries or agencies which deal with statistics, the civil service, crime, public information, etc. In addition, you may also have to approach private sector organisations such as the chamber of commerce and civil society organizations such as professional associations or trade unions as well as relevant tribal and religious organizations.

Where exact figures or data are difficult to find, please enter an approximate figure, stating its source. This applies particularly to part one of the questionnaire.

The questionnaire is distributed in hard copy and in electronic form. For the electronic form, please note that all fields in which you can enter free text are highlighted in gray color, but not in the printed version. So, please have a look at both for comparison. The electronic questionnaire is divided into four separate parts, which you will find on the four floppy disks sent to you with the Terms of Reference and the printed questionnaire. We recommend that you copy all files from the diskettes to the hard disk of your computer and work on the files from there. Please make safety copies on the diskettes or in a separate folder on your hard drive as often as you work on the questionnaire. You can access and fill out the electronic form using Microsoft Word 7. You will automatically be guided to the first form field once you open one of the four files. You can navigate between the form fields using the TAB key (press "TAB" to move forward, hit "Shift" and "TAB" simultaneously to move back).

There are two types of fields,
- text boxes: here you can type text or numbers as requested, using your computer's keyboard as with any text file. And, as with any other text, you can make changes or additions anytime. Just move back or forward within the questionnaire to the relevant field using the TAB key (within the text fields, you can move using the arrow keys on your keyboard or your computer's mouse). Most of the text fields are unlimited, so you can type in as much information as you need.
- "check boxes": these refer to "yes/no" questions. You can highlight the "yes" or the "no" field, or both, using the space bar (this action can any time be reversed just by moving back to the field and pressing the space bar again).

If you want to skip a field, just "jump" to the next field using the TAB key.

After you have finished a part of the questionnaire, please send it back to us immediately, either on diskette or as an email attachment. Should you have any technical questions or problems with the questionnaire, please contact Mr. Stefan Lock at UN Headquarters (address below).

V.   Assistance to National Consultants

If you need assistance, further information or advice in gathering information for the questionnaire, please contact:

Ms. Elia Yi Armstrong	Dr. Stefan Lock
Project Coordinator	Associate Expert
Division for Public Economics and Public Administration	Division for Public Economics and Public Administration
Department of Economic and Social Affairs	Department of Economic and Social Affairs
United Nations	United Nations
One UN Plaza	One UN Plaza
DC1-910	DC1-900
New York, NY, 10017	New York, NY 10017
USA	USA
Tel: (212) 963-2926	Tel: (212) 963-4533
Fax: (212) 963-2916	Fax: (212) 963-2916
E-mail: armstronge@un.org	E-mail: locks@un.org

Project RAF/99/004: PUBLIC SERVICE ETHICS IN AFRICA

QUESTIONNAIRE

(21 October 1999)

0. SURVEY ADMINISTRATION

1 Country Name
2 National Consultant:
a) Your First (Given) Name   b) Your Last Name
c) Street Address   d) City   e) Postal Code
f) phone   g) fax   h) email
If given, please list the names and addresses of other experts whom you consulted for answering particular parts of the questionnaire (attach separate sheet, if necessary)

3a) Topic
b) Name of consulted expert
c) Function
c) Street Address   d) City   e) Postal Code
f) phone   g) fax   h) email
4a) Topic
b) Name of consulted expert
c) Function
c) Street Address   d) City   e) Postal Code
f) phone   g) fax   h) email
5a) Topic
b) Name of consulted expert
c) Function
c) Street Address   d) City   e) Postal Code
f) phone   g) fax   h) email
6a) Topic
b) Name of consulted expert
c) Function
c) Street Address   d) City   e) Postal Code
f) phone   g) fax   h) email
After you have completed the whole questionnaire, please give us an assessment of how much time was necessary to research the information for the various parts of the survey

I.1 Background on the Public Service - Statistics
   7a) date finished   b) input hours
I.2 Background on the Public Service - Legislation
   c) date finished   d) input hours
II. Background on Public Sector Ethics and Anti-Corruption Initiatives
   e) date finished   f) input hours
III. Guidance for Public Servants
   g) date finished   h) input hours
IV. Management of Conduct in the Public Service
   i) date finished   j) input hours

V. Control of Public Service Conduct
   k) date finished   l) input hours
VI. Non-Government Actors
   m) date finished   n) input hours
VII. Comments
   o) date finished   p) input hours

I.   BACKGROUND ON THE PUBLIC SERVICE

I.1   Organisational Context

Primary sources of information for the following section are statistical information from annual reports on the public service and the annual government budgets. In addition, units charged with producing these documents can also serve as sources of information. If exact figures are not available for the subjects or reference years in this questionnaire, please give us rounded figures or estimates and indicate so in the comment fields.

8 How many ministries and independent statutory agencies were there?
a) in 1998   b) in 1993   c) in 1988
9 Is there a current government organisation chart or organigramme?
a) yes ☐   b) no ☐

c) if yes: year   (*please attach a copy in English or French)*
10 How many administrative regions were there?
a) in 1998   b) in 1993   c) in 1988
If available, please attach a current map in English or French of the regions.
What was the total government expenditure and net lending (as reported to the IMF) at the:
11 central level?
a) in 1998   b) in 1993   c) in 1988
12 combined state or provincial level?
a) in 1998   b) in 1993   c) in 1988
13 combined local level?
a) in 1998   b) in 1993   c) in 1988

13x Sources, Comments:
What was the total **public payroll** expenditure (including wages, salaries and allowances)? *Please exclude public enterprise payrolls.*
14a) in 1998   b) in 1993   c) in 1988

14x Source, Comments:

What was the number of core public service personnel (excluding teachers, health
    workers, military, police and public enterprise personnel) at the:

Central Government:
15 Total employment?
      a) in 1998*   b) in 1993   c) in 1988
16 Total number of females?

a) in 1998*   b) in 1993   c) in 1988
17 Total number in top management or first category (for francophone countries)?
    a) in 1998*   b) in 1993   c) in 1988
18 Total number in middle management or second category?
    a) in 1998*   b) in 1993   c) in 1988
19 Total number in rank-and-file or lower categories?
    a) in 1998*   b) in 1993   c) in 1988
*1998 or latest available year. Please indicate reference year, if not 1998:   (20)

20x Sources, Comments:

State, Regional or Provincial Level:
21 Total employment?
    a) in 1998*   b) in 1993   c) in 1988
22 Total number of females?
    a) in 1998*   b) in 1993   c) in 1988
 (personnel figures cont'd)

23 Total number in top management or first category (for francophone countries)?
    a) in 1998*   b) in 1993   c) in 1988
24 Total number in middle management or second category?
    a) in 1998*   b) in 1993   c) in 1988
25 Total number in rank-and-file or lower categories?
    a) in 1998*   b) in 1993   c) in 1988
*1998 or latest available year. Please indicate reference year, if not 1998:   (26)

26x Sources, Comments:

Local Level:
27 Total employment?
    a) in 1998*   b) in 1993   c) in 1988
28 Total number of females?
    a) in 1998*   b) in 1993   c) in 1988
29 Total number in top management or first category (for francophone countries)?
    a) in 1998*   b) in 1993   c) in 1988
30 Total number in middle management or second category?
    a) in 1998*   b) in 1993   c) in 1988
31 Total number in rank-and-file or lower categories?
    a) in 1998*   b) in 1993   c) in 1988
*1998 or latest available year. Please indicate reference year, if not 1998:   (32)

32x Sources, Comments:

If possible, please attach separate table with employment figures for state and local levels by region.
What was the number of personnel, usually **not** considered part of the public service?

If any of the following categories are covered under the public service act, please note this next to your answer.

33 Teachers (incl. public university teachers): *covered by civil service act?* ☐
34 Personnel in a) 1998*   b) 1993   c) 1988
*1998 or latest available year. Please indicate reference year, if not 1998: (35)

36 Health workers: *covered by civil service act?* ☐
37 Personnel in a) 1998*   b) 1993   c) 1988
*1998 or latest available year. Please indicate reference year, if not 1998: (38)

39 Military personnel (without conscripts!) : *covered by civil service act?* ☐
40 Personnel in a) 1998*   b) 1993   c) 1988
*1998 or latest available year. Please indicate reference year, if not 1998: (41)

42 Police: *covered by civil service act?* ☐
43 Personnel in a) 1998*   b) 1993   c) 1988
*1998 or latest available year. Please indicate reference year, if not 1998: (44)

45 Public enterprise employees: *covered by civil service act?* ☐
46 Personnel in a) 1998*   b) 1993   c) 1988
*1998 or latest available year. Please indicate reference year, if not 1998: (47)

48 Other: *covered by civil service act?* ☐
49 Please specify:
50 Personnel in a) 1998*   b) 1993   c) 1988
*1998 or latest available year. Please indicate reference year, if not 1998: (51)

52 Other: *covered by civil service act?* ☐
53 Please specify:
54 Personnel in a) 1998*   b) 1993   c) 1988
*1998 or latest available year. Please indicate reference year, if not 1998: (55)

55x Sources, Comments:
What was the number of public servants employed in each ministry,
department or agency?

56 Ministry 1**: Name
Headquarters personnel
57 in a) 1998*   b) 1993   c) 1988
  *1998 or latest available year. Please indicate reference year, if not 1998: (58)
District personnel
59 in a) 1998*   b) 1993   c) 1988
  *1998 or latest available year. Please indicate reference year, if not 1998: (60)

61 Ministry 2**: Name
Headquarters personnel
62 in a) 1998*   b) 1993   c) 1988
  *1998 or latest available year. Please indicate reference year, if not 1998: (63)

District personnel
64   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (65)

66 Ministry 3**: Name
Headquarters personnel
67   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (68)
District personnel
69   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (70)

71 Ministry 4**: Name
Headquarters personnel
72   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (73)
District personnel
74   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (75)

76 Ministry 5**: Name
Headquarters personnel
77   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (78)
District personnel
79   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (80)

81 Ministry 6**: Name
Headquarters personnel
82   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (83)

District personnel
84   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (85)

86 Ministry 7**: Name
Headquarters personnel
87   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (88)
District personnel
89   in a) 1998*   b) 1993   c) 1988
   *1998 or latest available year. Please indicate reference year, if not 1998:   (90)

91 Ministry 8**: Name
Headquarters personnel
92   in a) 1998*   b) 1993   c) 1988

   1998 or latest available year. Please indicate reference year, if not 1998:   (93)
District personnel
94   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (95)

96 Ministry 9**: Name
Headquarters personnel
97   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (98)
District personnel
99   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (100)

101 Ministry 10**: Name
Headquarters personnel
102   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (103)
District personnel
104   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (105)

106 Ministry 11**: Name
Headquarters personnel
107   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (108)
District personnel
109   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (110)

111 Ministry 12**: Name
Headquarters personnel
112   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (113)
District personnel
114   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (115)

116 Ministry 13**: Name
Headquarters personnel
117   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (118)
District personnel
119   in a) 1998*   b) 1993   c) 1988
   1998 or latest available year. Please indicate reference year, if not 1998:   (120)

121 Ministry 14**: Name
Headquarters personnel
122   in a) 1998*   b) 1993   c) 1988

1998 or latest available year. Please indicate reference year, if not 1998:   (123)
District personnel
124 in a) 1998*   b) 1993   c) 1988
  1998 or latest available year. Please indicate reference year, if not 1998:   (125)

126Ministry 15**: Name
Headquarters personnel
127 in a) 1998*   b) 1993   c) 1988
  1998 or latest available year. Please indicate reference year, if not 1998:   (128)
District personnel
129 in a) 1998*   b) 1993   c) 1988
  1998 or latest available year. Please indicate reference year, if not 1998:   (130)

130x Sources, Comments:

** *Ministry, department or agency, where appropriate.*
Add separate sheet, if necessary.
In 1998 (or latest available year), what was the lowest (entry level) and the top level salary in local currency in the following sectors:

General Civil Service:
131 a) lowest full-time salary   b) highest salary   c) total payroll
132 Year of reference:

General Service Employees:
133 a) lowest full-time salary   b) highest salary   c) total payroll
134 Year of reference:

Teachers (incl. public university teachers):
135 a) lowest full-time salary   b) highest salary   c) total payroll
136 Year of reference:

Health workers
137 a) lowest full-time salary   b) highest salary   c) total payroll
138 Year of reference:

Military (without conscripts)
139 a) lowest full-time salary   b) highest salary   c) total payroll
140 Year of reference:

Police
141 a) lowest full-time salary   b) highest salary   c) total payroll
142 Year of reference:

Customs
143 a) lowest full-time salary   b) highest salary   c) total payroll
144 Year of reference:
145 Other - please specify:

146 a) lowest full-time salary   b) highest salary   c) total payroll
147   Year of reference:

148 Other - please specify:
149 a) lowest full-time salary   b) highest salary   c) total payroll
150   Year of reference:

150x Sources, Comments:
151 Which ministry or agency is currently responsible for public service and public sector personnel data?

a) Organization name:
b) Administrative unit:
c) Person in charge: d) his/her title:
e) Address:
f) Telephone: g) Fax: h) email:
152 Are there regular reports on these statistics? a) yes ☐   b) no ☐

153 If yes, please describe the reporting requirements:

Please attach also a copy of the latest report in English or French.

Which ministries or agencies* are responsible for managing the public service?

154 Organisation 1: a) Name
b) Mandate
c) Person in charge   d) his/her title or function
e) Address
f) Telephone: g) Fax: h) email:

155 Organization 2: a) Name
b) Mandate
c) Person in charge   d) his/her title or function
e) Address
f) Telephone: g) Fax: h) email:

156 Organization 3: a) Name
b) Mandate
c) Person in charge   d) his/her title or function
e) Address
f) Telephone: g) Fax: h) email:

157 Organization 4: a) Name
b) Mandate
c) Person in charge   d) his/her title or function
e) Address
f) Telephone: g) Fax: h) email:

158 Organization 5: a) Name
b) Mandate
c) Person in charge   d) his/her title or function
e) Address
f) Telephone: g) Fax: h) email:

* Please list all commissions, departments, central agencies, parliamentary committees, etc.
  Please add separate sheet, if necessary.

159 Please describe in a few words the relationships among the above listed organizations:

160 Country Name:

I.2   Legal Context
Primary sources of information and resource people for the constitution are most likely to be found in the justice or legal affairs ministry, administrative units in central agencies that deal with constitutional laws and conventions, and other legal experts. Public service acts, regulations and collective agreements are most likely to be available at public service commissions or ministries or administrative units which manage the public service.

161 When was the current constitution adopted and last amended?
      P*lease attach a copy of the most recent version of the constitution in English or French.*

162 How many levels of government are there currently and what are they?
    (e.g. national, state or provincial, regional, local, etc.)

163 What institutions, ministries, agencies, and other bodies are defined by the constitution as making up
      the following branches of central or national government?:

a) Legislative

b) Executive

c) Judicial

164 What legislation defines and governs the national public service? When was it last modified?
   Please attach a copy of the most recent version in English or French.

165 What regulations and/or guidelines govern the national public service? When was it last modified?
   Please attach a copy of the most recent version in English or French.

166 What collective agreements are binding on the national public service? When were they last
   negotiated? Which parties were involved?
   Please attach a copy of the most recent version in English or French.

II.   BACKGROUND ON PUBLIC SECTOR ETHICS AND ANTI-CORRUPTION INITIATIVES

To gather information for this section, good starting points are secretariat to the cabinet or council of ministers, office of the president or prime minister, communication ministries, any special anti-corruption bodies, and public sector ethics or anti-corruption experts outside of government.

167 What studies, public opinion polls, or surveys have been carried out on public sector ethics or
   corruption within the past 10 years?
   Please briefly describe the 5 most important in terms of their sponsors, methodology, precipitating events or factors, findings, and any special references to public servants. Attach any relevant and useful documents in English or French.

aa) Study 1: title, publications
ab) Study 1: short description

ba) Study 2 title, publications
bb) Study 2: short description

ca) Study 3: title, publications
cb) Study 3: short description

da) Study 4: title, publications
db) Study 4: short description

ea) Study 5: title, publications
eb) Study 5: short description

(Add separate sheet, if necessary)

168 What campaigns to promote public service ethics or integrity in government or to fight corruption,
   both inside and outside of government, have been carried out within the past 10 years?

Please briefly describe the 5 most important in terms of their sponsors, methodology, precipitating events or factors, effects, and any special references to public servants. Attach any relevant and useful documents in English or French.

---

aa) Campaign 1: title, year
ab) Campaign 1: short description

ba) Campaign 2 title, year
bb) Campaign 2: short description

ca) Campaign 3: title, year
cb) Campaign 3: short description

da) Campaign 4: title, year
db) Campaign 4: short description

ea) Campaign 5: title, year
eb) Campaign 5: short description

(Add separate sheet, if necessary)

III.   GUIDANCE FOR PUBLIC SERVANTS

III.1   Values and Standards
In seeking information for this section, valuable sources may be found in public service commissions or ministries, central agency units that deal with human resources policies, public service training institutes, ethics agencies or offices, and anti-corruption units.

169 Are there statements of core values (e.g. neutrality, fairness, efficiency, etc.) and/or standards (e.g. codes of conduct or guidelines dealing with outside employment restrictions, political activities, gift acceptance policies, etc.) for the national or central level public service?
　　a) ☐ Values　　　b) ☐ Standards

If yes, at what level do they exist? *Please indicate one of the following: **values, standards, both** to all that apply.*
170 Public service-wide
　　a) ☐ Values　　　b) ☐ Standards
171 Ministry/Department/Agency level
　　a) ☐ Values　　　b) ☐ Standards
172 Professional Basis *(e.g. accounting, legal, medical, etc.)*
　　a) ☐ Values　　　b) ☐ Standards
　　d) Please specify professions, etc.
173 Other
　　a) ☐ Values　　　b) ☐ Standards
　　d) Please specify:
174 Other
　　a) ☐ Values　　　b) ☐ Standards

    d) Please specify:

How and when were the values and/or standards introduced? *Please indicate one of the following:* ***values, standards, both****, to all that apply and list the years next to each.* A*ttach a copy of the document(s) in English or French.*

175 The constitution
    a) Values (year)   b) Standards (year)
    d) Comment:

176 Legislation
    a) Values (year)   b) Standards (year)
    d) Comment:

177 Regulation
    a) Values (year)   b) Standards (year)
    d) Comment:

178 Code(s) of Ethics or Conduct
    a) Values (year)   b) Standards (year)
    d) Comment:

179 Public Service Charter
    a) Values (year)   b) Standards (year)
    d) Comment:

180 Citizens Charter
    a) Values (year)   b) Standards (year)
    d) Comment:

181 Service Standards
    a) Values (year)   b) Standards (year)
    d) Comment:

182 National policy or discussion papers
    a) Values (year)   b) Standards (year)
    d) Comment:

183 Departmental or ministerial documents (such as annual reports, brochures, posters, etc.)
    a) Values (year)   b) Standards (year)
    d) Comment:

184 Speeches by head of state or government
    a) Values (year)   b) Standards (year)
    d) Comment:

185 Mass media campaign
    a) Values (year)   b) Standards (year)
    d) Comment:

186 Training institutes and schools
    a) Values (year)   b) Standards (year)
    d) Comment:

187 Other
    a) Values (year)   b) Standards (year)
    d) Comment:

188 Other
    a) Values (year)   b) Standards (year)
    d) Comment:

189 What are the stated core values?

    Please list:

a)   b)

c)   d)

e)   f)

g)   h)

i)   j)

190 Do the standards cover the following issues? *Please mark all that apply.*

a)   ☐ Employment and/or supervision of family members and relatives

b) ☐ Receiving gifts and benefits such as fees, payments, entertainment

c) ☐ Use of official information

d) ☐ Use of official property/facilities

e) ☐ Official travel

f) ☐ Use of corporate credit cards

g) ☐ Work outside the public service

h) ☐ Restrictions on post-employment

i) ☐ Special conditions/permissions on movement to the for-profit sector

j) ☐ Involvement in political work

k)   ☐ Lobbying

l)   ☐ other, *please specify:* m)

191 Are there specific guidelines/requirements within the public service in addition to the general standards applicable to all public servants, e.g. additional standards and/or professional codes of conduct for specific groups such as **the police**, or public employees in revenue collection, public procurement, legal counsel, officers controlling extra-budgetary funds, recruitment officers, etc.?

    a) ☐ Yes   b) ☐ No

    c) If yes, *please specify for which public service groups:*

    d) If yes for **the police**, please submit copies of standards, guidelines or codes of conduct. In addition, please describe how the police are administered in terms of disciplinary procedures, oversight, and civil or criminal prosecutions:

    e) Please list the name and the office address (postal address, phone and fax number, email) of the head of police at central level:

192 Are the core public service values and/or standards communicated to public servants?

    a) ☐ Values b) ☐ Standards

If yes, how? *Please indicate one of the following:* ***values, standards,*** *or* ***both*** *to all that apply. Also, please indicate whether this is done* ***orally, by writing, both*** *or* ***neither*** *to all that apply.*

193 During induction training when someone joins the public service

    a) ☐ values   b) ☐ standards

    c) ☐ orally   d) ☐ by writing

194 When someone takes up a position in a different public service organization
    a) ☐ values   b) ☐ standards
    c) ☐ orally   d) ☐ by writing

195 Listed in the employment letter of offer or contract
    a) ☐ values   b) ☐ standards

196 During ongoing training
    a) ☐ values   b) ☐ standards
    c) ☐ orally   d) ☐ by writing

197 A statement(s) of values and/or code(s) of conduct is/are distributed to all public servants
    a) ☐ values   b) ☐ standards
    c) ☐ orally   d) ☐ by writing

198 A statement(s) of values and/or code(s) of conduct is/are distributed upon registering for a profession (e.g. accounting, legal, medical, etc.)
    a) ☐ values   b) ☐ standards
    c) ☐ orally   d) ☐ by writing

199 Other
    a) ☐ values   b) ☐ standards
    c) ☐ orally   d) ☐ by writing
    e) *Please specify*:

200 Other
    a) ☐ values   b) ☐ standards
    c) ☐ orally   d) ☐ by writing
    e) *Please specify*:

Who was involved in the formulation of the list of public service values and/or code(s) of conduct?
    *Please mark all that apply, by indicating one of the following: **values, standards, both**.*

201 All national/central level public servants:
    involved regarding a) ☐ values   b) ☐ standards

202 Public servants at the ministry/departmental/agency level:
    involved regarding a) ☐ values   b) ☐ standards

203 Public service managers:
    involved regarding a) ☐ values   b) ☐ standards

204 Public servants with ethics or anti-corruption responsibilities:
    involved regarding a) ☐ values   b) ☐ standards

205 Public sector unions:
   involved regarding a) ☐ values   b) ☐ standards

206 Elected Officials/Politicians:
   involved regarding a) ☐ values   b) ☐ standards

207 Parliament/Legislature:
   involved regarding a) ☐ values   b) ☐ standards

208 The public:
   involved regarding a) ☐ values   b) ☐ standards
   c) Please specify: tribal chiefs, religious orders, professional groups, NGO's etc.

209 Other*:*
   involved regarding a) ☐ values   b) ☐ standards
   c) Please specify:

210 Other*:*
   involved regarding a) ☐ values   b) ☐ standards
   c) Please specify:

211 If the public was involved, how were they informed and consulted? *Please briefly describe and attach any documents used in English or French.*

| |
| |

212 Which ministry or agency is currently responsible for implementing or monitoring public service values and/or standards such as codes of conduct? *Please also list the administrative unit, person in-charge, his/her title, address, telephone numbers, fax numbers and e-mail address.*

| a) Description: |
| b) Contact Address: |

213 How many employees are involved in implementing and monitoring the values and/or standards such as codes of conduct? What was the annual budget for these activities in 1998 (or latest available year)?

| a) Employees: |
| b) Annual Budget: c) year |

214 To whom do public servants turn most frequently for guidance, advice, counselling or consultation to resolve their work-related ethical problems? *Please mark all that apply.*
   a)   ☐ Peer colleagues
   b)   ☐ Immediate supervisor
   c)   ☐ Designated ethics expert/counsellor
   d)   ☐ Human resources manager
   e)   ☐ Internal auditors
   f)   ☐ External Auditors
   g)   ☐ Ombudsman/Public Defender or Protector/

h) ☐ Inspector General (complaints receivers)
i) ☐ Other, e.g. telephone help desk, etc.
    j) *Please specify:*
k) ☐ Other
    l) *Please specify:*

III.2   Legal Restrictions

The most likely available sources of information for this section are the ministries of justice or legal affairs, public prosecutor's or attorney general's office, any anti-corruption bodies, and legal experts.

What kinds of violations are listed for public officials by the criminal code, illicit enrichment, or other anti-corruption legislation? What is the range of penalties if convicted of these violations? *Please mark all that apply and list penalties. Attach a copy of the code or legislation with the relevant sections in either English or French.*

215 ☐ Extortion a) penalties:
216 ☐ Active Corruption (offering) a) penalties:
217 ☐ Passive Corruption (accepting) a) penalties:
218 ☐ Direct Corruption (immediately, without intermediary) a) penalties:
219 ☐ Indirect Corruption (using intermediary) a) penalties:
220 ☐ Attempted Corruption (intended) a) penalties:
221 ☐ Bias in official decision-making a) penalties:
222 ☐ Abuse of public office or public trust a) penalties:
223 ☐ Abuse of privileged state information by public officials a) penalties:
224 ☐ Other a) Please specify
      b) penalties:
225 ☐ Other a) Please specify
      b) penalties:

226 How many public officials have been **indicted** under the criminal code, illicit enrichment, or anti-corruption statutes within the past 10 years?
    a)   criminal or penal code:
    b)   illicit enrichment statutes:
    c)   anti-corruption statutes:

227 How many public officials have been **convicted** under the criminal code, illicit enrichment, or anti-corruption statutes within the past 10 years?
    a) criminal or penal code:
    b) illicit enrichment statutes:
    c) anti-corruption statutes:

228 *Please briefly describe 3 most prevalent types of cases and state sources. Also please highlight any concentrations of indictments or convictions, based on geographic regions or by public servants' responsibilities or functions.*

a)

Case 1:

b)

Case 2:

c)

Case 3:

229 Are there prohibitions or restrictions imposed on public officials e.g. public servants and/or elected officials by other legislation, e.g. legislation pertaining to senior officials, etc.?
 a) ☐ Yes   b) ☐ No

   c) If yes, *please give the title of the legislation, specify the prohibitions/restrictions and the coverage of*
      category of public officials. Attach a copy in English or French.

230 How many public officials have been
     a) **indicted** under this/these legislation within the past 10 years?
     b) **convicted** under this/these legislation within the past 10 years?

231 *Please briefly describe 3 most prevalent types of cases under each legislation and state sources. Also please highlight any concentrations of indictments or convictions, based on geographic regions or by public servants' responsibilities or functions.*

a)

Case 1:

b)

Case 2:

c)

Case 3:

232 Country Name:

IV.   MANAGEMENT OF CONDUCT IN THE PUBLIC SERVICE

IV.1   National Integrity Strategy Management
To gather information for this section, good starting points are secretariat to the cabinet or council of ministers, office of the president or prime minister, communication ministries, any special anti-corruption bodies, and public sector ethics or anti-corruption experts outside of government.

233 Has a national integrity/anti-corruption/ethics strategy or plan been developed?
    a) ☐ Yes   b) ☐ No

    c) If yes, by whom or on whose initiative and was there a precipitating event such as a national
       election, scandal, etc.?

    d) If yes, *please indicate its form (political or administrative document) and its priority areas. Attach a*
       copy in English or French.

    e) If no, are there plans to introduce such a strategy or a plan? *Please attach any relevant documents*
       in English or French.

234 Is there an institution(s), dedicated administrative unit, or committee assigned to co-ordinate and
    manage the implementation of government ethics or anti-corruption policy?
    a) ☐ Yes   b) ☐ No

    c) If yes, *please list the unit, person in-charge, his/her title, address, telephone numbers, fax numbers and e-mail address.*

    How many staff are employed? What was the annual budget for these activities in 1998 (or latest
    available year)?

d) staff:	
e) budget:	f) year:

235 Does the institution(s) provide a report on the state of ethics or corruption in the public service?
    a) ☐ Yes   b) ☐ No

    c) If yes, to whom (Legislature/Parliament, Government, other-please specify)?
      Please attach the latest copy in English or French.

236 How are ethics and anti-corruption measures coordinated? *Please mark all that apply.*
a) ☐ Risk assessment to steer policy development for prioritizing and sequencing measures
b) ☐ Analyzing systemic failures, trends in criminal and disciplinary cases
c) ☐ Providing national integrity strategy, guidance and/or checklist to develop prevention strategies
d) ☐ Other *Please specify:* e)
f) ☐ Other *Please specify:* g)

237 What procedures are in place for assessing the effectiveness or the weaknesses of this strategy or plan?
Please specify, including information on the frequency of the assessment, who provides it and how.

IV.2   Human Resources Management
In seeking information for this section, valuable sources may be found in public service commissions or ministries, central agency units that deal with human resources policies, public service training institutes, ethics agencies or offices, and anti-corruption units.

238 How does human resources management promote an ethical environment? *Please mark all that apply.*
a) ☐ Providing rules/guidelines/policies for recruitment and promotion procedures
b) ☐ Basing recruitment and promotion on merit
c) ☐ Publishing the recruitment rules/guidelines/policies
d) ☐ Publicising vacant positions
e) ☐ Integrity is criterion in the selection process   *Please specify how:* f)
g) ☐ Integrity is evaluated in the performance appraisal \
     Please specify how. h)
i) ☐ Leaders and managers set a good example
j) ☐ Other
     Please specify how. k)

239 Is special attention given to officials in positions particularly vulnerable to corruption?
a) ☐ Yes   b) ☐ No

If yes, *please list public service groups (e.g. public procurement, contracting, concession granting and licensing, customs or tax collection, officers controlling extra-budgetary funds, recruitment officers, etc.) and the measures used (e.g. regular rotations, specialized training, special incentives, etc.)*

c) GROUP 1:
d) GROUP 2:
e) GROUP 3:
f) GROUP 4:
g) GROUP 5:

(add separate sheet, if necessary)

240 Are disciplinary procedures available in case of a breach of public service standards?
   a) ☐ Yes   b) ☐ No

   If yes, *please specify the procedures (steps to be followed) and disciplinary sanctions (e.g. from*
   reprimand to dismissal or disqualification from public office), and their sources (e.g. form of
   legislation, agency documents) and the available administrative and legal redress, including the
   appeal to court. Please attach a copy of the disciplinary procedures in either English or French.

c) PROCEDURE 1:
d) PROCEDURE 2:
e) PROCEDURE 3:
f) PROCEDURE 4:
g) PROCEDURE 5:
(add separate sheet, if necessary)

241 On average, how many training session have been carried out annually in the last five years for supervisors or managers on implementing these procedures?

242 During the past 10 years, have public service salaries been:
   Paid regularly?   a) ☐ Yes   b) ☐ No
   Kept up with inflation?   c) ☐ Yes   d) ☐ No
   Been competitive with the private sector? e) ☐ Yes   f) ☐ No

   g) If **no** for any of the above, please describe details.

243 What management tools are used to promote high standards of conduct and prevent corruption?
   Please mark all that apply.
a) ☐ Identification and reporting of conflict of
       interest situations, particularly:
   aa) ☐ Financial management
   ab) ☐ Public assets management
   ac) ☐ Tendering of contracts
   ad) ☐ Official travel and use of credit cards
   ae) ☐ Receiving gifts and benefits such as
           fees, payments, entertainment
   af) ☐ Post public employment
   ag) ☐ Other
       Please specify.ah)

b) ☐ Requiring the release of internal
     information related to ethical conduct and
     possible transgressions
c) ☐ Simple public complaints procedures
d) ☐ Requiring justifications for administrative
     decisions
e) ☐ Providing redress against poor
     administrative decisions
f) ☐ Setting service standards e.g. timeliness for
     responding to requests
g) ☐ Anti-corruption provisions (e.g. black lists
     for companies guilty of corruption) in bids
     for public contracts
h) ☐ Specific controls on public procurement
     procedures
i) ☐ Risk assessment of areas susceptible to
     corruption
j) ☐ Other
     Please specify.k)
l) ☐ Other
     Please specify.m)

244 Are there any special provisions for safeguarding public service selection process from political
     leadership? a) ☐ Yes   b) ☐ No

     c) If yes, *please describe and attach any documents in English or French.*

| |
| |

IV.3   Disclosure
In seeking information for this section, valuable sources may be found in ethics agencies or offices, anti-corruption units, public service commissions or ministries, and central agency units that deal with human resources policies.

245 Is disclosure (declaration of personal assets, financial interests, etc.) required in the public service?
     a) ☐ Yes   b) ☐ No

     If yes, from whom?
     c) ☐ Elected officials
     d) ☐ Senior public servants *Please specify levels*: e)
     f) ☐ Others *Please specify:* g)

h) ☐ Disclosure is confined to particular sectors e.g. customs, public procurement, etc.
   Please specify: I)

246 Are disclosure requirements more rigorous or stringent in any one sector than in another?
   a) ☐ Yes   b) ☐ No
   c) If yes, in what sectors and in which ways? *Please specify*:

247 What information is required to be disclosed? *Please mark all that apply.*
a) ☐ Assets and liabilities
b) ☐ Loans
c) ☐ Sources and levels of income
d) ☐ Outside positions
e) ☐ Previous employment
f) ☐ Gifts
g) ☐ Other
   Please specify: h)

248 What is the time interval for disclosing information? *Please mark all that apply.*
a) ☐ Annually
b) ☐ When joining the public service
c) ☐ When relevant circumstances change
d) ☐ When leaving the public service
e) ☐ Other
   Please specify: f)

249 Is the disclosure public?   a) ☐ Yes   b) ☐ No

   c) If yes, who has access and to what types of information?
      Please specify.

250 How is the disclosed information verified? *Please describe purposes*:

III.   CONTROL OF PUBLIC SERVICE CONDUCT

V.1   Public Complaints
Information for this section should be available at the public service commission or ministries, independent investigating agencies such as the Ombudsman, the Public Protector or Defender, the Inspector General, or other such entities.

251 Are there defined obligations of public servants in terms of exposing wrongdoing or "whistle-blowing"?
   a) ☐ Yes   b) ☐ No

If yes, *please mark all that apply*.
c) ☐ Legal provisions define the procedure for exposing wrongdoing.
d) ☐ Administrative rules define the procedures within each ministry, department or agency
e) ☐ Other *Please specify: f)*

252 Is protection/safeguard available to public servants who expose wrongdoing?
a) ☐ Yes   b) ☐ No

If yes, what kind of protection/safeguard. *Please mark all that apply*.
c) ☐ Legal
d) ☐ Anonymity
e) ☐ Transfers to other work units if
   necessary
f) ☐ Other
   Please specify: g)
h) ☐ Other
   Please specify: i)

253 Is there training for supervisors or managers about handling "whistle-blowing"?
a) ☐ Yes   b) ☐ No

c) If yes, p*lease specify:*

254 Are there procedures available and publicised for the public to expose wrongdoing committed by
public servants?   a) ☐ Yes   b) ☐ No

If yes, in what forms? *Please mark all that apply.*
c) ☐ Ministry or agency complaints procedures
d) ☐ Ombudsman/Public Protector or Defender/Inspector General
e) ☐ Complaints hotline
f) ☐ Other
   Please specify: g)

255 *If applicable, please describe how the complaints procedures are publicised and complaints investigated by ministries or agencies. (What is the scope of the jurisdiction covering the complaints procedures: public service-wide or agency-specific? Who is responsible for taking action based on the investigations: ministers in charge, the public service minister, a legislative committee, etc.? What are the steps to be followed? How are cases referred from and transferred to other ministries or agencies? Please attach any supporting documents in English or French of administrative procedures.)*

256 What has been the average length of time to complete an investigation of a complaint by a
      ministry or an agency within the past 5 years?

257 How many employees are involved in dealing with the complaints procedures, public
service-
      wide? What was the annual budget for these activities in 1998 (or latest available year)?

a) Employees:
b) Budget:
c) Year:

258 Are statistics of complaints or cases collected centrally for the entire public service?
      a) ☐ Yes   b) ☐ No

c) If yes, by which unit? *Please list the administrative unit, person in-charge, his/her title, address,
telephone numbers, fax numbers and e-mail address.*

d) If yes, *please indicate the average annual number of complaints received, cases established,*

   referred or transferred, and settled within the past 5 years and attach any reports in English or

      French.

259 *If applicable, please describe how the complaints procedures are publicised and complaints
investigated by the **Ombudsman's**, the **Public Protector's or Defender's**, or the **Inspector
General's** office or any other **independent agency of last resort** to receive public complaints or
reports of unethical or corrupt behaviour of public servants. If there are more than one
institution, please describe all that apply. (What is the scope of the jurisdiction covering the
complaints procedures? Who is responsible for taking action based on the investigations, e.g.
head of government, a legislative committee, etc.? What are the steps to be followed? How are
cases referred from and transferred to other agencies? Please attach the legislation(s) that
created and regulates these offices and any other relevant documents in English or French.)*

260 How is the independence of these agencies guaranteed? *(e.g. terms of appointment, reporting
      procedures, etc.)*

261 How many employees are involved in dealing with the ethics/corruption complaints procedures?
      What was the annual budget for these activities in 1998 (or latest available year)?

a) Personnel:
b) Budget:
c) Year:

262 *Please list all that apply from among the Ombudsman, the Public Protector or Defender, Inspector General or the person in-charge of any other agency of last resort: the name, title, address, telephone numbers, fax numbers and e-mail address..*

263 *Please indicate the average annual number of ethics/corruption complaints received, cases established, referred or transferred, and settled within the past 5 years and attach supporting reports in English or French.*

264 What has been the average length of time to complete an investigation of a complaint within the past 5 years?

265 *If applicable, please describe how the complaints procedures are publicised and complaints are handled by a "hotline" of unethical or corrupt behaviour of public servants. (What is the scope of the jurisdiction covering the hotline? Who is responsible for taking action based on the investigations, e.g. head of government, a minister or agency head, a legislative committee, etc.? What are the steps to be followed? Are callers assured anonymity? Are there rewards given based on outcome of investigations? How are cases referred from and transferred to other agencies? Please attach the legislation or regulation(s) that creates and governs these offices and any other relevant documents in English or French.)*

266 How many employees are involved in dealing with the ethics/corruption complaints procedures? What was the annual budget for these activities in 1998 (or latest available year)?

a) Personnel:
b) Budget:
c) Year:

267 *Please list the administrative unit, the person-in-charge, the address, telephone and hotline numbers, fax numbers and e-mail address.*

268 *Please indicate the number of ethics/corruption complaints received, cases established, referred or transferred, and settled within the past 5 years and attach supporting reports in English or French.*

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269 What has been the average length of time to complete an investigation of a complaint within the past 5 years?

270 What has been the annual average number of public servants and or elected officials to have been disciplined or have had cases referred for prosecution within the past five years, as a result of public complaints?

271 *Please briefly describe 3 most prevalent types of cases and state sources.*

a) Case 1.

b) Case 2.

c) Case 3.

V.2   Financial Controls
Information pertaining to this section should be available at the finance ministry or the treasury, the supreme audit institute itself, and other public finance or audit experts.

272 What types of financial controls exist in ministries or agencies to deter corruption? *Please describe in detail and indicate whether the authorisation of a payment, the certification that corresponding benefit has been received, and the actual payment are undertaken by separate officers. Do they sign off the payment voucher and are records kept safely and securely?*

273 Is there an internal audit or inspection unit in all ministries or agencies?
     a) ☐ Yes   b) ☐ No

274 Is it independent of the chief finance officer?
     a) ☐ Yes   b) ☐ No

275 Who does the unit report to?
     a) ☐ Head of Agency
     b) ☐ Finance ministry of the treasury
     c) ☐ Other *Please specify*: d)

276 Does it undertake special investigations or reviews, apart from routine audits or inspections, at the
    request of the head of ministry or agency?
    a) ☐ Yes   b) ☐ No

277 Is its staff specially trained?
    a) ☐ Yes   b) ☐ No

278 Who has access to the reports of the routine and special reviews? *Please mark all that apply*.
    a) ☐ Internal management
    b) ☐ Supervisory Bodies
    c) ☐ Parliament/Legislature
d) ☐ Public, including the press
e) ☐ Other *Please specify:* f)

279 What role does external audit or inspection play in deterring, investigating, and reporting unethical
    or corrupt behaviour of public servants? *(What is the scope of the jurisdiction covering the external*
    audits? Who is responsible for taking action based on the external audits or inspections, e.g. the
    head of government, minister or head of agency concerned, a legislative committee, etc.? What are
    the steps to be followed? How are cases referred from and transferred to other agencies? Please
    attach the legislation(s) that creates and regulates these offices and any other relevant documents in
    English or French.)

280 How is the independence of the supreme audit institute guaranteed? *(e.g. terms of appointment,*
    reporting procedures, etc.)

281 How many employees are there? How many auditors are there? What was the annual budget for
    these activities in 1998 (or latest available year)?

a) Total personnel in supreme audit institute
b) Auditors
c) Annual budget
d) Year

282 What areas are covered by external audit or inspection?

283 What is the frequency of external audits?

284 Are external audit reports routinely published?   a) ☐ Yes   b) ☐ No
     c) If yes, how often?

285 *Please list the Auditor-General or the Inspector General (if he or she is responsible for the external review of government expenditure and performance), the address, telephone numbers, fax numbers and e-mail address.*

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286 Please indicate the number of ethics/corruption cases established, and referred or transferred within the past 5 years *(please attach any annual reports in English or French).*

287 What has been the average length of time to complete an investigation of a complaint by the supreme audit institution within the past 5 years?

288 What bodies are responsible for and what procedures are in place to recover public funds lost due to corruption? *Please describe in detail.*

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289 What are the annual amounts recovered during the past 10 years?
a) 1998   f) 1993
b) 1997   g) 1992
c) 1996   h) 1991
d) 1995   i) 1990
e) 1994   j)1989

V.3   Enforcement
The most likely available sources of information for this section are the public prosecutor's or the attorney general's office, the ministries of justice or legal affairs, any anti-corruption bodies, and legal experts.

290 What other bodies are in place to **investigate** misconduct and corruption in the public service through civil procedures e.g. white-collar or financial crime? *Please mark all that apply.*
a) ☐ An investigative body operating with jurisdiction over the whole public service
b) ☐ An investigative body operating with exclusive jurisdiction over one or a defined range of public
     service organisations

c) ☐ An investigative function existing inside individual ministries/departments/agencies
d) ☐ Other *Please specify:* e)
f) ☐ Other *Please specify:* g)

291 *Please give the name, the jurisdiction, to whom they are accountable, and factors ensuring the*
independence, the annual budget, and number of staff of all the bodies marked above.

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292 What has been the average length of time to complete an investigation of a complaint within the past 5 years?

293 What is the role of the police in investigating corrupt behaviour of public servants? *(What is the*
        scope of their jurisdiction? Who is responsible for taking action based on their investigations, e.g.
        head of government, head of the police, a legislative committee, etc.? What are the steps to be
        followed? How are cases referred from and transferred to other agencies? Please attach the
        legislation and regulation(s) that creates and regulates the police and any other relevant documents
        in English or French.)

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294 How many employees are involved in dealing with the ethics/corruption complaints procedures in
        the police? What was the annual budget for these activities in 1998 (or latest available year)?

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│ a) Personnel:                                                          │
│ b) Budget:                                                             │
│ c) Year:                                                               │
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d) *Please list the unit, the person-in-charge, the address, telephone numbers, fax numbers and*
        e-mail address.

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295 Please indicate the number of ethics/corruption complaints received, cases established, referred
    or transferred, and settled within the past 5 years *and attach supporting reports in English or*
    French.

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296 What has been the average length of time to complete an investigation of a complaint within
the past 5 years?

297 What bodies are in place to **prosecute** misconduct and corruption in the public service?
Please
   give the name, the jurisdiction, to whom they are accountable, and factors ensuring the
   independence, the annual budget, and number of staff of all the bodies marked above.

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[                                                                          ]
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298 What has been the average length of time to complete a prosecution of a case within the
past 5
   years?

299 Are the above-mentioned investigating and/or prosecuting bodies empowered to bring
suspected
   cases of corruption directly to court?   a) ☐ Yes   b) ☐ No

   c) If yes, *please list them below and add any comments*.

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[                                                                          ]
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300 Are legislative and/or judicial institutions in place to perform independent scrutiny of the
   administration?   a) ☐ Yes   b) ☐ No

301 If yes, what kinds of institutions? *Please mark all that apply*.
a) ☐ ____Legislative/Parliamentary committee
b) ☐ ____Administrative courts
c) ☐ ____Courts for judicial review
d) ☐ ____Other *Please specify*: e)
 f) ☐ ____Other *Please specify*: g)

302 Are there procedures/mechanisms available to bring wrongdoing to the attention of these
bodies
   exercising independent scrutiny on public service activities?   a) ☐ Yes   b) ☐ No

   c) If yes, *please specify*.

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[                                                                          ]
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303 What are the procedures for the government to take follow-up action and report back in
response
   to the decisions or recommendations made by these institutions? How many instances of
such

follow-up action by the government have taken place within the past 5 years?

a) Procedures:
b) Number of instances:

V.4 Evaluating Controls

Possible sources of information for this section are any special anti-corruption bodies, secretariat to the cabinet or council of ministers, office of the president or prime minister, and public sector ethics or anti-corruption experts outside of government.

304 What measures are considered as (the most) successful instruments for preventing corruption?
    Please give details and state sources.

305 What do you consider to be the major impediments to further reducing corruption in the public service?
    Please give details and examples where applicable.

306 Country Name:

VI NON-GOVERNMENT ACTORS

VI.1 Private Sector

Potential sources of information are chambers of commerce, business associations, and other anti-corruption or crime experts in the private sector.

307 What per centage of businesses, both domestic and international, have corporate codes of conduct?

308 What areas are generally covered by them?
    Please briefly describe and attach any copies of best examples available in English or French.

309 Are there "blacklists" or registries of corrupt firms at central and/or ministries/departments/ agencies?   a) ☐ Yes   b) ☐ No

   c) If yes, *please describe their purpose and how they function.*

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310 Do professional associations, e.g. associations of accountants, legal bar, etc. play a role in promoting high professional conduct or censuring members?   a) ☐ Yes   b) ☐ No

c) How do they regulate the professionalism of their members? *Please describe.*

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311 Are there business organisations or associations involved in combating corruption or organised
crime?   a) ☐ Yes   b) ☐ No
c) If yes, *please name them and briefly describe their activities, e.g. sponsors, sources of funding,*
annual budget, number of staff, and attach any relevant documents in English or French.

VI.2   Transparency
To find information for this section, communication ministries or agencies, any agency responsible for access to information policy or programme, or journalism association or training institutes should be approached.

312 Is there a Freedom of or an Access to Information legislation, requiring government agencies to
make information available, in your country?   a) ☐ Yes   b) ☐ No

c) If yes, when was it enacted?   (*Please attach a copy in English or French*).

313 How does the government publicise information about its laws, policies, and activities?
Please mark all that apply.
a) ☐ government-wide web site
b) ☐ ministry web sites
c) ☐ state-run T.V. station
d) ☐ state-run radio station
e) ☐ state-run press
 f) ☐ government bookshops
g) ☐ press releases and conferences
h) ☐ other *please specify:* I)
 j) ☐ other *please specify:* k)

314 Does government routinely publicise information on major financial transactions such as winning tenders in privatisation? a) ☐ Yes   b) ☐ No

315 What protection is available for freedom of the press?
    Please describe pertinent laws, regulations, and practices.

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316 What role did the media have in promoting ethics in government or exposing corruption scandals,
    during the past 10 years? *Please describe*.

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317 Is investigative journalism training available?   a) ☐ Yes   b) ☐ No

    If yes, who sponsors it? *Please mark all that apply.*
    c) ☐ Government
    d) ☐ International or private donors
    e) ☐ Press syndicate or association
     f) ☐ Journalism training institutes
    g) ☐ Other *Please specify*: h)
     i) ☐ Other *Please specify*: j)

VI.3   Civil Society Organisations
Pertinent sources of information for this section are non-governmental umbrella organisations, universities, etc.

318 What civil society organisations or institutions are involved in monitoring public sector corruption?
        Please mark all that apply.
a) ☐ Religious institutions such as churches
b) ☐ Tribal or village associations
c) ☐ Transparency International Country Chapter
d) ☐ Other Non-governmental organisations *Please list them*: e)
 f) ☐ Others *Please specify:* g)

319 *Please describe any significant role or campaign that any of these organisations have played*
    recently in fighting corruption or promoting ethics in the public service. Attach any supporting
    documents in English or French.

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320 Are there any civic education programmes, those that address issues of citizens' rights and
     obligations, transparency, democracy, public interest, ethical values, etc., being currently
carried
     out?
     a) ☐ Yes   b) ☐ No

     If yes, by whom? *Please mark all that apply.*
     c) ☐ Government
     d) ☐ Schools
     e) ☐ Universities
      f) ☐ Religious institutions *e.g. churches, mosques, etc.*
     g) ☐ Tribe or village associations
     h) ☐ NGO's
      i) ☐ Other *Please specify*: k)

VI.4   Donors

*Information or opinion may be available from among the donors, ministries or agencies of
planning or foreign affairs or another that may co-ordinate aid, anti-corruption bodies, and
experts of foreign aid.*

321 How has the presence of international donors e.g. multilateral, bilateral, private, etc.
contributed to the corruption or unethical conduct in the public service? *Please describe and
state sources.*

322 How has their presence contributed to fighting corruption and encouraging ethical conduct*?
     Please describe and state sources?*

Contacts for Public Service Personnel Statistics

COUNTRY	CONTACT INFORMATION
Cameroon	**Directeur du Personnel** Ministère de la Fonction Publique Yaoundé Tel: (237) 22 0356/22 2175 Fax: (237) 22 0800
Gabon	**Directeur Générale de la Fonction Publique** Ministère de la Fonction Publique **Directeur Générale de l'Informatique** Ministère des Finances Libreville
Ghana	**Director of Personnel Policy and Management Division** Office of the Head of Civil Service Public Service Commission PO Box 1949, Accra Tel: (233 21) 669421 Fax: (233 21) 662344
Kenya	**Mr. James Ongwae** Permanent Secretary/Director of Directorate of Personnel Management Office of the President PO Box 30510 Nairobi Tel: (254 2) 227411 Fax: (254 2) 210192
Madagascar	**Mr. Marcellin Rabeatoandro** Directeur des Archives,du Fichier et de l'Informatique Direction Générale de la Fonction Publique Ministère de la Fonction Publique, du Travail et des Lois Sociales Antananarivo 101 Tel: (261 2022) 21541
Namibia	**Mr. Franz Kapofi** Secretary to Cabinet Office of the Prime Minister Private bag 13338, Windhoek Tel: (264 61) 2872039 Fax: (264 61) 226189 E-mail: fkapofi@opm.gov.na
Nigeria	**Mr. Alhaji Ahijo Ahmed Bamanga** Permanent Secretary of the Federal Civil Service Commission Wuse Abuja Tel: (234 9) 523 7236
Senegal	**Mr. Yéro Deh** Ministre de la Fonction Publique, du Travail et de l'Emploi Building Administratif Avenue Leopold Seng Dakar Tel: (221 8) 237429
South Africa	**Mr.Henk Serfontein** Deputy Director of Directorate Information Management Department of Public Service and Administration. Private Bag X916 Pretoria 0001 Tel: (27 12) 314 7911; Fax: (27 12) 323 2386 E-mail: henks@dpsa.pwv.gov.za
Uganda	**Planning Division** Ministry of Finance, Planning and Economic Development PO Box 8147 Kampala Tel: (256 41) 234 700/5 Fax: (256 41) 230 163

Contacts for Investigative Agencies

COUNTRY	CONTACT INFORMATION
Cameroon	Not available
Gabon	**Mme Manomba, Médiateur de la République** Présidence **M. Moussavou, Inspecteur général du Contrôle d'Etat** Primature
Ghana	**Mr. Emile Short, Commissioner** Commission of Human Rights and Administrative Justice Old Parliament House, High Street Accra Tel: (233 21) 668839/662150 Fax: (233 21) 660020/661139 E-mail: chraj@ighmail.com **Mr. B.A. Sapati, Acting Executive Director** Investigations Division Serious Fraud Office Old Parliament House, PO Box AC80 Accra Tel: (233 21) 663738/665559/667485 Fax: (233 21) 663152 E-mail: sfo@ghana.com
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Madagascar	**Mr. Victor Miadana** Médiateur, Défenseur du Peuple 33, rue du Docteur Villette Isoraka Adresse postale : B.P 143 Antananarivo Tél: (261 2022) 22576 Fax: (261 2022) 29651
Namibia	**Ombudsman** Private Bag 13211 Windhoek Tel: (264 61) 207 3111 Fax: (264 61) 226 838
Nigeria	**Mr. Alhaji Musa Biu, Director of Investigation** Public Complaint Commission 424 Aguiyi Ironsi Way Abuja Tel: (234 9) 523 6353
Senegal	**M. Seydou Madani Sy, Médiateur de la République**
South Africa	**Advocate Gary Pienaar** Office of the Public Protector Private Bag X677 Pretoria, 0001 Tel: (27 12) 322 2916 Fax: (27 12) 322 5093 **Advocate G. Visagie** Heath Special Investigating Unit PO Box 893 East London, 5200 Tel: (27 43) 726 9705 Fax: (27 43) 726 9261 E-mail: adv.visagie@heathsiu.co.za
Uganda	**Mr. Jotham Tumwesigye** Inspector General of Government P.O. Box 1682 Kampala Tel: (256 41) 259723 or 259788 Fax: (256 41) 344810

Contacts for Supreme Audit Institutions

COUNTRY	CONTACT INFORMATIONS
Cameroon	**Madame Lucy Gwanmesia** Ministre Délégué à l'Inspection Générale de l'Etat Présidence de la République Yaoundé
Gabon	Not available
Ghana	**Auditor General's Department** Main Ministries P. O. Box M96 Accra Tel: (233 21) 664928/664929/664920 Annex Tel: (233 21) 223006/226957 E-mail: gogas@ghmail.com
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South Africa	**Mr. Shauket Fakieu, Auditor General** Office of the Auditor General P.O. Box 446 Pretoria 0001 Tel: (27 12) 426 8277 Fax: (27 12) 426 8273
Uganda	**Auditor General** PO Box 7083 Kampala Tel: (256 41) 255 487/ 344 340 Fax: (256 41) 345 674