

CORRUPTION OVERVIEW: IDENTIFYING CORRUPTION DRIVERS, FORMS OF CORRUPTION IN PUBLIC AND PRIVATE ORGANIZATIONS AND HOW TO CURB THEM. A PAPER PRESENTED BY (REV. FR.) PROF. J. O. UMOH AT COMET WORKSHOP ORGANISED BY THE CHARTERED INSTITUTE OF ADMINISTRATION, UYO, AKWA IBOM STATE, ON THURSDAY, 20TH APRIL, 2017.

INTRODUCTION

This paper gives an overview of the concept of corruption as it affects the fabric of our society with dire consequences. It identifies corruption drivers and the various forms of corruption. In addition, the paper suggests ways of curbing the menace in our public and private organizations. Economic rent, discretionary powers, income distribution, consumption patterns and rise of the underground economy were identified as key drivers of corruption. The forms that corruption takes are many. They include but not limited to unconstitutional and fraudulent trade, misappropriation and diversion of funds, bribery, kickbacks and under and over invoicing. The paper also advises on the ways of curbing corruption as total elimination of corruption is preferable but unrealistic. These are dealing with complexity, effectiveness of legal framework, institutional effectiveness, human resources, practices and application of information and communication technology (ICT), among others.

THE CONCEPT OF CORRUPTION

Divergent views on corruption agree that it is a bad behaviour. Corruption as it were may not be easy to define but, Tanzi (1998) says “it is generally not difficult to recognize when observed”. The most simplified and popular definition adopted by the World Bank is the abuse of public power for private benefit (Gray and Kaufmann, 1998). According to Fagbadebo (2007) the different perspectives through which corruption is viewed, notwithstanding a common group of opinion conceives it as the perpetration of a vice against the public well-being. But Lipset and Lenz (2000) see corruption as an “effort to

secure wealth or power through illegal means-private gain at public expense". Tanzi (1995) defines corruption as the intentional non-compliance with arms length relationship aimed at deriving some advantages from this behavior for oneself or for related individuals". This particular definition takes care of the exclusion of vital issues, such as corruption in the private sector and in private activities. The scholar believes that corruption occurs in every human endeavour and often difficult to observe because acts of corruption do not take place typically in broad day light.

Other views on this monster can also be elicited but the views of the following scholars are quite significant and touching. For instance Labanjo (1970) conceives of corruption as a means to destroy the purity of something. It is not manifested in fraud or diversion of physical and tangible things alone. It goes beyond this to encompass abuse, rottenness, misuse, decay and depravity. This corroborates the view of Nkom (2015) that corruption is the deliberate denial of an individual or a particular group of persons to do the good.

Myint (2000) has rightly observed that there is a growing World Wide concern over corruption at the present time due to several factors which include:

First, consensus has now been reached that corruption is universal. It exists in all countries, both developed and developing, in the public and private sectors as well as in non-profit and charitable organizations.

Second, allegations and charges of corruption now play a more central role in politics than at any other time. Governments have fallen, careers of world renowned public figures ruined, and reputations of well-respected organizations and business firms badly tarnished on account of it. The international mass media feeds on it and scandal and improper conduct, especially of those in high places, are looked upon as extremely newsworthy, and to be investigated with zeal and vigour. The rising trend in the use of corruption as a tool to

discredit political opponents, the mass media's pre-occupation with it as a highly marketable commodity, and the general public's fascination with seeing personalities in embarrassing situations have brought scandalous and corrupt behaviour, a common human frailty, into the lime light of international attention.

Here in Nigeria, governments and institutions are having the fair share of corruption toll. For example, the Chief Judge of Kwara State, Justice Sulyman Kawu, in the Punch of March 9, 2017 (p.38) warned that judicial officers who take bribe will go to hell. Accordingly, he persuaded such officers to "distance themselves from anything touching on corruption" which, he stated, manifests itself in the form of bribery, graft, nepotism and favouritism.

In the same vein, in Yola, a High Court Judge sentenced the immediate past Governor of Adamawa State, Mr. James Ngilari to five years in prison without option of fine after he was found guilty of corrupt practices (Vanguard Newspaper, March 7, 2017, p. 5)

Third and the main issue is that corruption can be a major obstacle to the process of economic development and in modernizing a country. For instance, during the National Dialogue on corruption, held in Abuja on 2-3-2017, participants defined corruption as Nigeria's greatest challenge and an enemy of progress and development. According to Gray and Kaufmann (1998), the recent survey of 150 high level officials from 60 third World countries, the respondents ranked public sector corruption as the most severe obstacle confronting their development process. Countries in the Asia and Pacific regions are also very worried about this problem and they are in substantial agreement that corruption is a major constraint that is hindering their economic, political and social development, and therefore view it as a problem requiring urgent attention at the highest level.

The Nigerian State is a victim of high-level corruption, bad governance, political instability and a cyclical legitimacy crisis (Fagbadebo, 2007). Consequently, national development is retarded, and the political environment uncertain. The country's authoritarian leadership faces a legitimacy crisis, political intrigues, in an ethnically-differentiated polity, where ethnic competition for resources drove much of the pervasive corruption and profligacy.

Increasing public interest and concern over corruption have resulted in a large amount of scholarly research on the subject. Admittedly, there are still wide gaps in the current state of information and knowledge on corruption, especially on comparative terms with respect to private and public organizations and much more need to be done. It is on the strength of this fact that this paper presents some ideas and issues that have emerged from the current ongoing debate on the corruption question in Nigeria and around the world. The paper also identifies corruption drivers, forms of corruption in both public and private organizations and how to curb corruption in these organizations.

IDENTIFYING CORRUPTION DRIVERS

There are very obvious events that drive corruption in both public and private organizations in our country Nigeria. These corruption drivers present the motivating forces that engender corruption in public and private organizations and institutions. The essence of the section is to identify these drivers of corruption and to expose their corrosive impact on both public and private organizational system with a view to checking their damaging effects on promoting corruption. These corruption drivers are many but this paper attempts to highlight a few of them within the context of this seminar.

(A) ECONOMIC RENT

Myint (2000) asserts that the concept of economic rent (or monopoly profit) occupies a central place in the literature. The scholar argues that economic rent

arises when a person has something unique or special in his possession. This special thing can be a luxury condominium in a posh neighbourhood, a plot of land in the central business district of the city, a natural resource like an oil well, or even some pleasing personal traits such as beauty and charm. A person who owns such a special asset can charge a more than normal price for its use and earn economic rent or monopoly profit. To illustrate further, suppose there is a young lady who has a breathtakingly good look, a charming personality and exceptional acting, singing and dancing skills. Due to these special personal assets, she becomes a superstar and a heartthrob of teenagers all over the country and thus commands a princely sum for her appearances. But what exactly is her economic rent? To be able to determine this, it is necessary to know the next best thing she can do to earn a living if she is not a superstar. Now, suppose she has a law degree so the next best occupation she can take up is to become a lawyer. Then the difference between her income as a superstar and earning she can obtain from her next best occupation (as a lawyer) is her economic rent for having an unusually pretty face, charm, and super singing and dancing talent, a winning combination which no other young lady in the country can match.

A similar line of argument can be applied to a young bureaucrat working in licence issuing office of a public agency or organization. Suppose this bureaucrat has the responsibility of typing, stamping the official seal, getting the appropriate signatures, and delivering the authorization letter that grants permission to business enterprises to engage in certain line of economic activity. Business Executives are anxious to have the letter typed expeditiously and correctly, and have it properly stamped, signed and delivered and are willing to pay a price for this special service. Hence the bureaucrat who has a monopoly of typing, stamping and processing the letter can

use his official position to acquire economic rent from his clients. To find out his economic rent, is to think of what he can best do if he is fired from the licensing office. If the next best thing he can do when he loses the government job is to become a taxi driver then the difference between his earnings at his new job and his intake as public official is his economic rent. It is in the light of the above discussion that economic profession often refers to bribery, fraud, graft and other shady deals involving misuse of public office as 'rent' seeking activities.

(B) DISCRETIONARY POWERS

Discretionary powers represent another key concept in discussing corruption. They arise because it is not possible to devise rules and regulations that are watertight and foolproof and will take care of all contingencies that can crop up in trying to control or direct an economic activity. Hence some flexibility and discretionary powers will have to be given to administrations in interpreting and implementing rules. Even in a football match, the referee is granted discretionary powers and has considerable freedom to exercise his good judgment in reaching decisions such as awarding a penalty kick or showing a red card to an offender. These decisions could prove decisive in determining the final outcome of the game. To illustrate further, consider a case involving customs administration. A general rule, let us assume, has been established to levy a duty of 50 percent on all consumer electronic goods entering the country. But in order to implement this rule, customs officials must also be provided with some guidance on how to value such goods for customs purposes. Now, one foolproof way to take care of this problem is to prepare a book that lists the prices of all consumer electronic goods that could possibly be imported into the country. But there are literally thousands of consumer electronic goods and each

item comes in a large variety of brands, makes, models, characteristics, technical specifications and prices.

With rapid technological advancement in this industry, many older models are being discontinued due to obsolescence, while new models and entirely new products are coming on the market every day. In this dynamic context and intense competition that characterize the market for these products, price changes occur frequently. This paper sees the preparation of a book that takes account of all these contingencies, and that provides a comprehensive, accurate, and up-to-date list of prices of consumer electronic goods as a formidable task in terms of the cost implication and time frame for such production giving the administrator opportunity to exercise discretionary powers which encourage corruption among the ranks and file.

(C) INCOME DISTRIBUTION

Dike (nd) (as cited in Fagbadebo (2007)) contends that corruption is a function of great inequality in wealth distribution. The perception of political offices are the primary means of gaining access to wealth. Gray and Kaufmann (1998) identify seven factors that engender corruption. These are the value of wages and salaries, presence of strong opportunities and awareness of how to perpetrate corruption, weak measures against accountability, population, natural resources, wealth, lack of political will and undecisive pressure and assistance from the global community.

Under a corrupt system, the privileged and the well-connected enjoy economic rent. As such there is a tendency for wealth to be concentrated in the hands of a tiny minority of the population. Income distribution, therefore, becomes highly uneven. In addition, the burden of corruption falls more heavily on the poor as they cannot afford to pay the required bribes to send their children to a decent school, to obtain proper healthcare, or to have adequate access to government provided services such

as domestic water supply, electricity, community waste disposal facilities. This disparity in income distribution, drives corruption, as one can notice an undesirable situation where, through illegal connections to the water mains, the water sprinkler system in a golf course, operates most of the day to keep the green grass on the fairways, while villages living across the street do not have sufficient water for their daily household needs.

(D) CONSUMPTION PATTERNS

Closely associated with an unequal income distribution and concentration of wealth in the hands of a few, is a distorted consumption pattern aimed at meeting the lifestyle of the few and extremely rich urban elite. This involves import of a large variety of luxury goods from abroad-flashy cars, lavish home furnishings, state-of-the art consumer durables and electronic products, fashion clothing, exotic perfumes, expensive food stuffs, fine wines and spirits and fancy goods of all kinds that can be found in supermarkets and departmental stores of any prosperous Asian City in the heyday of the region's economic boom. In our organizations today whether public or private the conspicuous consumption with expensive cars cruising along dirt roads, and conspicuous construction with likely apartment buildings of the management cadre amidst poverty and squalor, bring home the point that affluence is not evenly shared in Nigeria.

(E) RISE OF THE UNDERGROUND ECONOMY

Underground economic activities exist in all countries including Nigeria. They are of two types; first, there are those that are illegal such as engaging in the drug trade or the smuggling business. The second consists of those activities that are illegal but are not officially recorded to evade taxes or for some other reasons (Myint, 2000). When a large portion of an economy goes underground, official macro economic

data which mostly cover only the formal sector, becomes unreliable to assess economic performance or to provide a basis for policy-making and analysis.

FORMS OF CORRUPTION

Corruption takes many forms. In public administration, corruption can be said to take the form of “Petty” or Administrative corruption (Mill, 2012) Analysis of the allegations made to the four Australian anti-corruption Agencies (ACAs) during the period of 2010 to 2011 showed that the conduct most reported to Australia ACAs involved misuse of official information, abuse of office (including nepotism, favouritism and bullying, exploiting conflicts of interest/personal interest and the misuse of public resources (Mill 2012). Fagbadabo (2007) observed that unconventional and fraudulent trade, misappropriation or diversion of funds, kickbacks, under and over invoicing, bribery, false declaration, abuse of office, and collection of illegal tolls, among other malfeasant practices are the forms that corruption take in Nigeria. In the international system, Nigeria is rated as one of the most corrupt nations of the world, a ranking that has denied the country its pride of place in the international economic systems (Transparency International, 2006).

Today in Nigeria, the present government under the leadership of Muhammadu Buhari seems to be giving us hope in the fight against corruption, though it is perceived by many as being selective and specially targeted against perceived oppositions. Many have been reported to have been arrested and several billions of naira and property returned to government and yet no proper accountability is done to restore confidence on the part of the populace.

Corruption can also take the form of being well-organized. Under a well-organized system of corruption, business executive have a good idea of whom they have to bribe and how much to offer them, and they feel reasonably sure of obtaining the favour for which the

payment is made. Under well-organized system of corruption, bribe-receivers take a longer run view of the situation and think of cuts they can get from profitable deal and continued stream of income that can be realized when entrepreneurs and business firms they have been associated become prosperous and well established with the passage of time. They, therefore, have an interest not to unduly harm the goose that may be laying the golden eggs in the future.

Another form of corruption as observed by Myint (2000) is the chaotic corruption. Under chaotic corruption, there is a lot of confusion and no one is exactly sure how much to pay and to whom payment is to be made. So in this confused state of affairs, business people end up paying bribes to a lot of officials without assurance that they will not be asked to pay additional bribes to more officials further down the line. With unclear delineation of authority and responsibility, the outcome of the bribes, and whether the sought after favour will be delivered is also uncertain. Moreover, there is little co-ordination among numerous bribe takers with regards to bribe levels and one corrupt official has no idea what the other corrupt official is charging. Consequently, there is a tendency to overcharge and demands may be made that are felt excessive and unreasonable by the business community.

CURBING CORRUPTION IN PUBLIC AND PRIVATE ORGANIZATIONS

The common rhetoric of “combating” or “fighting” corruption conjures images of enemy that can be defeated (Mill, 2012). Similarly, the idea of corruption as a cankerous tumour encourages a belief that once found it can be surgically removed with no ill effects. Both of these images suggest that corruption can be eradicated if only we can find the answer. Infact, the total elimination of corruption has never been the aim of this paper. Such an absolute objective has been regarded as unrealistic likely to be disproportionately costly, rigid and risk compromising human rights. The preferred goal is the instrumental one of

increasing the integrity of government and organizations so that they can perform their “intrinsic roles” efficiently and fairly (Thompson, 1992; Rose-Ackerman, 1998; Pope, 1999).

The first step to curbing according to Mill (2000) is to understand what it is and how it happens which this paper has enunciated. The word ‘corruption’ has social, moral, political and economic meanings that can be expressed in definitions. In the light of that, all definitions of corruption can be regarded as working definitions since they vary according to the purpose for which they are used.

Other strategies for curbing corruption are as follows:

(a) Dealing with complexity

In operational terms, the task of curbing is all about intervening before the corrupt conduct occurs (Gloria, 2008). Decisions about what precise action can and should be taken in a particular context are ideally based on evidence knowledge of the context and the goal of curbing corruption can be achieved. In Singapore, for example, a diagnosis that the relevant causes of corruption was low salaries, inefficient administrative systems were the basis for the development of an anti-corruption strategies comprising (Quah, 2007):

- an independent, well-resourced anti-corruption agency.
- a dynamic monitored strategy.
- civil service salaries competitive with private sector.
- reduced red tape.

Understanding that corruption is a complex phenomenon with many forms and faces (Campos and Praghan, 2007) has led to prevention strategies and plans that combine multiple dimensions and mechanisms with intention of

affecting incentives and opportunities for corruption and creating behavioural control.

(b) Effectiveness of Legal Framework

Corruption has been the subject of legal prohibitions for centuries (Mill, 2012). In anti-corruption terms, a state's legal systems play a unique role in raising awareness by authoritatively articulating undesirable conduct, and in their potential to deter corrupt conduct by prosecuting and imposing penalties. The behaviours traditionally targeted by corruption offences were bribery and actions that equated to improper public official behavior misconduct in public office or breach of public trust.

Although, the World Bank in 2011 had reported that because enacting an anti-corruption law is a speedy, inexpensive way to start addressing corruption, proscriptive anti-corruption laws had proliferated throughout the developed world. (World Bank, 2001) as cited in Kaufman, (2005). The problems associated with using legal prohibitions as a quick fix can lead to non-compliance and the diversion of effort away from more fundamental and systemic governance reforms. But Batory (2012) suggested that a more nuanced use of legislation was suggested in the analysis of the failure of anti-corruption in central and Eastern Europe. The prosecution of corruption offences can prevent challenges that are highly context-dependent.

(c) Institutional Effectiveness

Corruption has often been described as evidence of institutional failure which for the purposes of the paper means the failure of public and private agencies and administration. Corruption risk factors have been identified in relation to the structures and processes, administrative capacity and the culture of public

administration. The external boundaries of the institution of public administration have reduced or shifted with privatization, outsourcing and the introduction of competitive business practices and the need for public and private interaction has increased and consequently the opportunities for corruption. But with institutional effectiveness the menace of corruption in public and private organizations can be curbed.

(d) Human Resources Practices

Many of the corruption risk factors that originated with individuals (the 'people' factor) can be addressed to some extent by human resources policies and practice. The most outstanding in the anti-corruption literature is the question of remuneration.

Early analysis maintained that increasing public sector salaries would only increase the size of bribes but the role of low salaries may be more complex. But here we are talking about salaries that are at least competitive with the private sector and can act against corruption in several ways. First, the impoverished public official may have less incentive to ask for a bribe. Second, a good worker who is offered a large salary to join a private firm might not do so thereby retaining important public sector skills which are also valuable weapons against corruption (Quah, 2000).

(e) Information and Communications Technology (ICT)

Information and Communication Technologies have been hailed as the answer to the practical problem of increasing transparency and public accountability in both public and private administrations. ICT can make it easier for citizens to scrutinize government and private activities and to voice out concerns and opinions about performance. Though not without some challenges, ICT plays a role in preventing

corruption not only in accountability and transparency, but also by supporting the quality of an organization's operational efficiency and robust internal governance. Electronic systems can be designed to reduce opportunities for manipulations and cover ups and to incorporate in-built access and approved controls to prove its operational integrity. ICT has been proposed to be particularly useful in the management of public procurement and in tax administration (Oikene and Pande, 2011; Campos and Pradhan, 2008).

COMMENTS ON INSTITUTIONAL FRAMEWORKS FOR FIGHTING CORRUPTION IN NIGERIA

The Nigerian government has over the years put in place several institutional frameworks for fighting corruption in the country. These institutions among others include the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC).

THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC)

The need to curb the trend of corruption and lack of accountability by those occupying position of authority in Nigeria necessitated the establishment of EFCC in 2003 by President Olusegun Obasanjo. This patriotic move became imperative in response to pressure from the International Community which named Nigeria as one of the notorious 23 countries that did not co-operate with the fight against money laundering. The commission was responsible for:

- The enforcement and the administration of the provision of this act.
- The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on the commission.
- The investigation of all financial crimes including advance fee fraud (419), money laundering, counterfeiting, illegal transfers, futures market fraud, fraudulent

encashment of negotiable instruments, computer credit, card fraud, contract scam etc.

- The examination and investigation of all reported cases of economic and financial crimes with a view to identifying individuals, corporate bodies or groups involved.
- The adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorists activities, economic and financial crimes, related offences or the properties the value of which corresponds to such proceeds among other functions.

Findings from several studies indicate that accountability and corporate governance ethics have been flagrantly abused in Nigeria by individuals and groups, private firms and public sector organizations (Raimi, Suara and Fadipe, 2013). EFCC and ICPC which are the anti-graft agencies have performed very low in their quest at curtailing corruption, abuse of accountability and corporate governance in Nigeria. For instance, Transparency International (2004) reported doubtful spending of the sum of US \$ 300 million on Turn-Around Maintenance (TAM) of the nation's refineries. Yet, the nation's four refineries were comatose.

INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES COMMISSION (ICPC)

The rationale for creating ICPC was not different from that of EFCC. According to Akanbi (2005), the ICPC emerged as a policy response from the federal government to fight and curb corruption that has tragically assumed notorious proportions and permeated all levels of the society, corroded its moral fabric, eroded its economic base and threatened its stability. This commission was established in September 1999 by Obasanjo's administration. The functions of the commission among others include:

- To receive and investigate complaints from members of the public on allegation of corrupt practices and in appropriate cases, prosecute the offenders
- To examine the practice, systems and procedures of public bodies and, where such systems aid corruption, to direct and supervise their review.
- To advise heads of public bodies of any change in practice, systems or procedures compatible with the effective discharge of the duties of public bodies to reduce the likelihood or incidence of bribery, corruption and related offences.
- To educate the public on corruption and related offences.

ICPC (2005) reportedly charged Prince Okoro and Ozodulukwe Emmanuel (Immigration Officers) to court for extorting money from foreigners (charge on HAB/ICPC/1/2001). The two accused persons were discharged and acquitted by the high Court. An appeal was filed but the matter is still pending in the Court of Appeal. It also reported the cases of late Abubakar Audu, the former Governor of Kogi State, charged for financial indiscipline and other accusations of corruption. It was alleged that Audu had acquired houses through corrupt means in the US and the UK during the period he served as governor. He claimed, however, that the houses had been bought before he became governor, despite evidence that point to the contrary (Thisday, 2003). These are few cases indicating the under-performance of anti-corruption agencies in Nigeria. In the present dispensation, corruption fight is mostly perceived as a fight against political oppositions and therefore selective.

Be that as it may, the present government has started somewhere in the fight against corruption by making some arrests and also by recovering assets for governments and by prosecuting past government officials through EFCC and ICPC. One could only wish that they improve upon these achievements and make their processes more compliant with extant laws of the nation.

CONCLUSION

A useful conclusion that has emerged from the current discussion and ongoing debate on the issue of corruption generally is that corruption is a symptom of deep-seated and fundamental economic, political, legal and institutional weaknesses and short coming in any nation. To be able to curb corruption whether in the public or private organization, measures against corruption must therefore address these underlying drivers and causes and not the symptoms. Anti-corruption information measures such as over sight bodies, a strengthened police will not be effective in the absence of a serious effort to address the fundamentals.

Another useful observation may be that corruption is most prevalent where there are other forms of institutional weaknesses, such as political instability, bureaucratic red tape, and weak legislative and judicial systems.

It is the conclusion of this paper that reforms (both economic and political) offer the best hope to overcome corruption. Reforms will bring it under control and minimize its adverse consequences so that the country can proceed with its efforts to become a modern and transformed nation with a good chance of attaining the status of a developed nation.

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