

## Democracy and Anti-Corruption Policies in Africa

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*“Democracy is never a finished task; it is always a work-in-progress that can progress, stagnate or regress depending on the actions and omissions of the governed and the government...” Gyimah-Boadi (2005)*

### Abstract

*This article examines anti-corruption policies in Africa in general, and narrows the discussion to two countries within the same region having similar democratic policies, but different results. It argues that African countries have never lacked commendable ideas on how to deepen democracy, promote transparent governance, and sustainable development; but the challenge has always been the political commitment to transform the excellent good governance ideas and policies into practicable and sustainable development projects. It concludes that the solution to poor governance and ineffective anti-corruption policies in Africa is a collective will of both the political leadership and the citizens.*

**Key words: Democracy, governance, corruption policies, Africa**

### Introduction

For their significance on socio-political and economic developments, anti-corruption and democratization policies continue to wax strong as priorities, and consistently dominate the political agenda of many African governments, African Regional Economic Communities, and the African Union Commission. Unfortunately, a review of an array of literature on anti-corruption and democratization in Africa indicates poor results in terms of productivity on the continent (Hanna, Bishop, Nadel, Scheffler & Durlacher, 2011; Maphosa, 2013). Despite their prominence in Africa’s political architecture, the lack of political commitment to them and where there is commitment, the challenge of continuity of implementation by successive regime(s) remains the block in the wheel of deeper democratization and successful anti-corruption programmes. In line with the above argument, some scholars have also concluded that notwithstanding the huge national and foreign investments in Africa, and implementation of democracy and anti-corruption projects, only few successes have been recorded to date (Person, Rothstein, & Teorell, 2010).

In addition to the above, several explanations have also been offered to explain why anti-corruption policies and democratization failed in Africa. Some scholars have argued that Africa is a peculiar continent that has defied several anti-corruption and democratization theories known to have worked in other part of the globe. These scholars utilized the Principal-Agent theory to analyze corruption in Africa and concluded that the theory has no satisfactory explanation to the problem of corrupt practices on the Continent (Person et al, 2010). Furthermore, these scholars posit that the likely solution to the problem of corruption and weak democracy in Africa lies in “collective action revolution” ((Person et al., 2010). In other words, it would take a collective effort of all the stakeholders to deepen democratization through effective anti-corruption policies in Africa.

To corroborate Clitgaard's argument that corruption is synonymous to HIV/AIDS (Clitgaard, 1999), my experience as an anti-corruption practitioner and researcher over a decade on the Africa continent tells me that corruption can truly be likened to the HIV/AIDS virus -- in the sense that it may be difficult to cure, but it can be prevented. Similarly, corruption on the continent, like the virus, can be constructively controlled if the African countries and their leaders are genuinely and politically committed to democratic tenets. Democratization will also be well rooted in Africa when the governments are devoted to its anti-corruption policies. As some scholars have rightly argued, the majority of elected political leaders in developing countries, particularly in many African countries, were elected on a corruption platform (Mungiu-Pippidi, 2006; Clitgaard, 1999). Corrupt individuals and multinational companies invest heavily in elections that produce many leaders on the continent and these investors reap the gains of their political investment through tax evasion, imposition of individuals as ministers for specific *juicy portfolios* where they can make their money back through corruption and win contracts that they are least qualified for. Article 11 of the African Union Convention on Preventing and Combating Corruption, for example, makes adequate provision on how the State Parties to the Convention should utilize legislative and other measures to combat such corrupt practices in the private sector, but many countries are yet to implement the provisions. This, amongst others, makes democratization and anti-corruption programmes difficult projects on the continent.

Despite the above major challenges, some countries like the Republics of Botswana, Rwanda, and Tanzania have demonstrated that democratic consolidation through commitment to anti-corruption initiatives is possible in Africa when the right pegs are put in the right holes. In other words, democratic advancement is realistic through anti-corruption programmes if the necessary environments like committed leadership and political will are in place. Although, some analysts have criticized what they referred to as One-Party-dominated democracy in countries like Rwanda, the fact remains that the country is democratically moving forward and it has become a model on the continent. Space will not permit us in this piece to demonstrate how the above African countries have truly embraced anti-corruption to promote effective democracy under the leadership of specific individuals and regimes; some of the results are what we have and are beginning to witness today as good democratic practices in Africa.

The core argument of this article is that the desire and effort to have democracy and anti-corruption policies in Africa have never been in doubt. The challenge has always been, and still remains, the political commitment to adhere to the policies and programmes. If African leadership and regimes will genuinely commit themselves to their anti-corruption policies and programmes, the continent will be a reference point for developed democracy and good governance. Unfortunately, this has not been so due to lack of political commitment to the anti-corruption fight.

## **Democratization and Anti-Corruption in Africa**

One of the leading political scientists on the continent once argued that democracy is a work in progress and it is never a finished task (Gyimah-Boadi, 2005). If there is wisdom on this assertion, then African democracy and anti-corruption programmes coupled with all their inherent imperfections can be said to be work in progress. Some decades back, the Greeks, the

Americans and the other G8 members, to mention but a few, were not where they are today. It took several years of trial and error to be where they are today. For example, it was not one or a few reforms that managed to move the Swedish society from a corrupt to a far less corrupt equilibrium (Rothstein, 2010), but a whole range of large-scale reforms which other scholars (Person et al., 2010) refer to as an anti-corruption revolution. This is not an attempt to justify the slow pace of democratization in Africa but to assert that good governance and sustainable development is a gradual process. It is also pertinent to say that commitment to anti-corruption policies and programmes will increase the consolidation of democracy in Africa. Eventually, as can be witnessed in Rwanda, Botswana and Tanzania, other African countries will likely follow the pioneers and reform, if political will among the leadership is not compromised.

### **Origin of Liberal Democratization in Africa**

As indicated in literature on African history, it is liberal democracy, but not democracy as such, that is a new project on the continent. Africa has its indigenous democratic systems with rich democratic principles (Fayemi, 2009). The history of liberal democratization in Africa dates back to colonial days when the campaign for self-governance was the focus of African politics. The type of democracies that were in place then cannot be equated with what we have on the continent today. Reasonable level of advancement had taken place. All the national, regional and continental focus on democratization, partly during and after colonialism, have shifted and changed from campaign for self-rule to that of deepening democracy, good governance and development. This development also had a transitional effect in the focus and management of the continental political body, the Organization of African Unity (OAU) which in 2002 transformed into the African Union (AU).

### **Corruption and Democratization Phases in Africa**

As we have argued elsewhere, corruption is not new in Africa and in other parts of the world, but an ancient global phenomenon (Ikubaje, 2006). The scourge was, and still is, not restricted to the Africa continent. It remains a challenge to America, Europe and Asia as well. Comparatively speaking, while corrupt Asians re-invested their capital built through primitive accumulation back into their continent, corrupt Africans continue to stash their ill-gotten wealth in Swiss and other foreign banks. Fortunately for these countries where the money is hidden and unfortunate for the Africans, the looted resources from Africa are utilized as capital investment for these developed countries.

It is important to understand that there are two sides to corrupt practices, the giver and the taker. On the issue of corruption in Africa, the majority of the developed countries have been alleged to be benefactors (Bond, 2010). In the same vein, the developed countries have also been accused of being the givers of bribes in Africa, which happen to be one of the major manifestations of corruption (Bond, 2010) The Organization of Economic Co-operation and Development (OECD) Convention on corruption, for example, was promulgated to discourage western companies from bribing government officials in developing countries to get contracts (Cockcroft, 1995). America was the first country to come up with this type of law; but then it discovered that some companies outside of America were involved in bribing bureaucrats in developing countries to get contracts to the detriment of American companies'

fair tendering (Cockcroft, 1995). It then decided to encourage the Europeans to be part of developed countries in promoting healthy and competitive contract bidding in Africa and in other developing countries (Makinda & Okumu, 2007). This was how the OECD Convention on Corruption came into being. In other words, this was a manifestation of Europe and America acknowledging that they and their companies had played a role in contributing to corruption in Africa and developing countries.

Corruption remains a global issue but it has taken different dimensions across the globe. While the western and Asian countries have been able to constructively manage corruption in order to promote development, Africa has not. This is by no means justifying or making a case for developmental corruption. The argument here is that Africa has been negligent in terms of constructive management of corruption. In Africa, corruption was a big challenge during the colonial era. For example, different anti-corruption committees of enquiries were set up by the different colonial governments on the continent to investigate cases of corruption and come up with recommendations on how the challenge could be successfully dealt with (Mulinge and Lesetedi, 1998). Colonial governments themselves were criticized for being corrupt (Ibid) and the legacy of corruption was part of what the new African political elites inherited at independence in late 1950s and early 1960s. To this end, one can conclude that corruption is a long-time phenomenon in Africa as different political phases of Africa, particularly the colonial and post-colonial eras, witnessed different forms of corrupt practices and anti-corruption policies.

Likewise, democratization on the continent has also undergone different phases. As explained in more detail below, the process of democratization entails not only a transition to formal democracy, but also the consolidation of democratic government. For example, eminent scholars on the subject (Huntington, 1991); (Diamond, 1996) wrote extensively on the different waves of democratization, to suggest that some wave of democratization had already taken place in the global community, including Africa. In order to have a better grasp of this analysis, the section below attempts to make some clarifications of some useful concepts pertinent to the article's argument.

## Conceptual Definition and Clarifications

**Democratization** In his definition of democratization, Conteh-Morgan (1998) argues that democratization is an increase in political equality and a decrease in coercive rule. Although, he fails to explain how, it is clear from his analysis that democratization is, above all, a power relations issue. He contends that it is power relations that most importantly determine whether democratization can emerge, stabilize and then maintain itself in the face of adverse economic conditions. Instead of calling it power relations, some scholars contend that the success of any democratization process, to a large extent, depends on government commitment to democratic tenets (Manor, 2004).

In their attempt at explaining democratization, Levy and Bruhn (1995) distinguish the difference between democracy and civil rule, and argue that democratization is the transition towards democratic government; a movement from authoritarian or civil rule to a democratic government. Others argue that democratization is synonymous to democratic consolidation and or the deepening of democratic practices (Diamond, 1995; Makun and Ihonvbere, 1998; & Clark, 1998).

Most often, analysts of the subject pay attention to democratic institutional development more than democratic politics (Luckham, Goetz & Kaldor, 2003). These scholars argue that there is a need to strike a balance between the two. Whilst development of democratic institutions is fundamental to democratic consolidation, citizen participation in democracy is also germane to democratic development and the legitimacy of good governance. All these remain pre-conditions for sustainable democratic development.

To understand the concept of democratization, it is important that analysts pay attention to not only institutional development; they should also consider the following among other pertinent questions (Luckham et al: 2003).

1. How can the basis of citizenship be expanded to give citizens (especially women, the poor and the unorganized) a more effective political voice and stake in government?
2. How can democratic institutions be designed so as to create expanded spaces for political contestation and debate?
3. How can the accountability of governments and their responsiveness to citizens' interests and needs be increased?
4. Finally, how can democratization from below be harmonized with stable, effective governance without which it is difficult to translate the entitlements of citizenship into policies that actually benefit the mass of citizens.

In her analysis of democratization, Abrahamsen (2000) contends that democratization is the revival of democratic tenets. She argues that there are two dimensions to the analysis of democratization in Africa, the internal and the external. The internal, according to her, entails the revolutionary activities of the citizens and the various socio-economic and political groups that make up the country to deepen its democratic practices. On the other hand, the external embraces the usual international donor support to deepening the democratic practices. Abrahamsen's (2000) analysis was rooted in foreign policy objectives of donor countries. Donor countries have their economic and political interests and what they do is to use international aid to accomplish these foreign policy interests. Most often, the aid does not impact positively democratic development as expected. She concludes that this has been the strategy of many international development donors on the continent. She further argues that democratic transition in Africa occurred due to loss of authoritarian and dictatorial regimes, and the main force that genuinely transformed the African democracies was the internal force.

It is pertinent to indicate that the Structural Adjustment Programmes (SAP) of the 1980s, for example, brought an entry point for international development and the Bretton Woods institutions through the concept of good governance to contribute to democratic development in Africa, but such contributions did not transform the continent's democracy as expected. This was because several conditionalities that were mainly in the economic and globalization interest of the north were the guidelines on which they planned to deepen democracy in Africa. It is noteworthy to mention that this, to some extent, added values on democracy and governance in Africa.

On the other hand, the revolutionary activities of African citizens against the military dictatorships and authoritarian rulers across the continent were what brought the genuine advancement that Africa has encountered, and is still encountering on democratic development. Through this internal effort, spaces were open for the less privileged to be part of the ruling class, women and the other marginalized groups were considered to be part of the force to determine how the continent should be governed. To crown it all, citizens began to exercise their democratic rights of demand from the elected representatives, and entrenching both vertical and horizontal accountability measures into the African governance system all with the aim of deepening democracy and good governance on the continent.

Whilst Abrahamsen (2000) may be right to an extent when she argues that internal factors were more result yielding than the external ones on democratization in Africa, the fact remains that the external influence on democratization in Africa cannot be overemphasized. The impact of good governance, party pluralism, accountability, and transparency in Africa has been critical and need not be taken for granted. These, amongst several other democratic concepts, were brought to Africa by the external development forces and they thus impact positively Africa's democratization and development.

Although, the external forces might have reaped one gain and or the other from Africa democratization through globalization, the fact remains that the gains of the external support to democratization in Africa has been to the benefit of the two, Africa and the north. For this article, as we have seen from above, and as we have argued elsewhere, democratization can be described as the opening up of democratic space for the stakeholders to deepen good governance, and a continuous deepening of democratic practices and processes from both the demand side and supply side. Stakeholders in this context include actors from Africa and outside the Continent.

## **Understanding the Waves of Democratization**

In order to have a better grasp of the concept, it will be nice to understand how it started and how it has progressed. The wave of democratization originated from Portugal and Spain in the 1970s and it swept across the developing countries in the 1980s and in the 1990s. The 'Third Wave' spread across Latin America and Eastern Europe, and later spread to Asia and Africa (Huntington, 1991). In 1974, there were forty one democracies among the existing 150 States; by 2003 about three-fifths of all the world's states were considered formal democracies (Rakner, Rocha and Fritz, 2007). However, many of them were considered imperfect. Based on the above and other explanations, political literature has indicated that democratization can be divided into three phases: (i) the liberalization phase, when the previous authoritarian regime opens up or crumbles; (ii) the transition phase, often culminating when the first competitive elections are held; and (iii) the consolidation phase, when democratic practices are expected to become more firmly established and accepted by most relevant actors and yielding democratic dividends (O'Donnell & Schmitter, 1986; Linz & Stepan, 1996). The third phase is where Africa is said to be today.

The recent experience of North Africa popularly known as the 'Arab Spring' is also a good example of how Africa is still grappling with the third phase of democratization. It also shows the significance of the role of the citizen in the process. In the 1990s, Sub-Saharan

African countries went through a process of popular revolts and rebellions aimed at ousting autocratic and authoritarian military regimes and to open up the political space for democratic governance. In the late 1980s and early 1990s, the Eastern European countries underwent the same processes; while before that, Latin American countries also experienced a flurry of democratic insurrections, which has radically changed the political landscape in Latin America. Although, the form, content and trajectory may have been different, the essence and purpose were one and the same -- that is, to free the people from corruption and other forms of bad governance and to enthrone democracy and the rule of law. Africa today is still grappling with the third phase while some scholars are busy utilizing some developed countries to theorize on the fourth wave of democratization for the Continent.

The implication of the above comparative reference is that there are lessons that could be learnt, and policy recommendations which countries at different stages of democratization can benefit from. The recent events in North Africa, for example, are manifest struggles for democratization in those countries. These events have re-opened the discourse about democracy, democratization and good governance in Africa. Unfortunately, many good governance programmes, including anti-corruption initiatives that had taken place over the years in Africa, have not reinforced a deeper democratization to promote the expected good governance and sustainable development like other parts of the globe. Hopefully, the ongoing phase of democratization will usher Africa into the good governance and development phase. It is also germane to indicate at this juncture that enduring and legitimate democratization processes should be driven and owned by the citizens; however external support is fundamental for their success.

### **Corruption**

Corruption is a practice that has no universally acceptable definition. As popular as the United Nations Convention on corruption and the African Union Convention on corruption are, they do not have a clear and definite definition of the concept. As argued by the Inspector General Government (IGG) of Uganda, corruption is difficult to define but everybody knows and understands what it is. Corruption definitions always reflect the nature of its practice in particular socio-political and professional environments. However, the lack of agreement on the definition has not prevented collective condemnation of its practice globally. The United States Agency for International Development (USAID), for example, defines corruption as the misuse of public funds for private gain, while the World Bank and UNDP define it as “the abuse of public positions for private or sectional, material or status gain” (Dell, 2006). A scholar defines corruption as an incident where a bureaucrat or an elected official breaks a rule for private gain (Banerjee, 2011). The major problem with the above definitions is that corruption is not restricted to the public sector. Its practices also cut across the private sector to include profit and non-profit organizations. In order to resolve these limitations, therefore, it is appropriate to define corruption as abuse of entrusted authority for private, personal and collective gain or responsibility without accountability. In all social settings, whether private or public, wherever there is responsibility, accountability must be present to overcome the problem of corruption. Responsibility in this instance goes beyond finance to include democratic and organizational responsibility.

## Anti-Corruption Policies/Programmes in Africa

Anti-corruption policies are programmes put in place to combat corrupt practices. This could originate from either the supply or the demand side of the government. Many African countries have formulated and drafted different anti-corruption policies/programmes, ranging from financial, public and anti-cyber to combat corruption and other related offences on the continent. Unfortunately, many of these policies have not yielded meaningful results. In fact, some scholars have argued that the problem of corruption in Africa is not inadequate anti-corruption policies and legal frameworks but, in many cases, non-implementation or ineffective implementation of the anti-corruption policy and programmes (Person et al: 2010). In addition to these scholars' argument, one of the challenges limiting African anti-corruption programmes is that they are not targeting political corruption (Mungui-Pippidi, 2006). Unfortunately, it is corruption that fuels most of the continent's elections. Anti-corruption initiatives emanate at these four different levels, and thus affect governance and development in Africa; the national, sub-regional, continental and global.

### National Level

The majority of African governments have one anti-corruption programme or the other (Kpudeh, 2004). Some countries have put in place national anti-corruption policy (Ghana, Nigeria), some are in the process of drafting one (Tanzania), many have different anti-corruption institutions and laws to deal with the scourge. In fact, Nigeria and Ghana, for example, have a multiplicity of anti-corruption institutions and laws dealing with corrupt practices. This multiplication of anti-corruption strategies is not restricted to Ghana and Nigeria alone; it is a common phenomenon on the continent.

In addition to the above, the majority of African governments have signed and ratified one international anti-corruption Convention, Protocol, Charter or other. The challenge has always been domestication and effective implementation of these noble international anti-corruption initiatives. Also, at the national level, despite the numerous indigenous anti-corruption initiatives, the absence of political commitment to their implementation makes them non-effective programmes. In the same vein, the majority of African governments have anti-corruption authorities but many of them are not independent of the executive. For example, the Senegal Anti-corruption Commission can only investigate. The President has the final say on the findings and recommendations of the Commission. The Burkina Faso experience is not also different from this practice. In Togo, the country has an Anti-corruption Commission but the office is not effective.

### Sub-Regional Level

Africa has up to eight regional economic communities recognized by the African Union Commission (AUC) and other Regional Mechanisms (RMs) on anti-corruption; some of them include the Arab Maghreb Union (UMA); the Economic Community of Great Lakes countries (CEPGL); the East African Community (EAC); the Economic Community of West African States (ECOWAS); Southern Africa Development Community (SADC); Community



of Sahel-Saharan States (CEN-SAD); Central African Economic and Monetary Community (CEMAC); Inter-Governmental Authority on Development (IGAD); Common Market for Eastern and Southern Africa (COMESA) and the Economic Community of Central African States (ECCAS). Out of these groups, three have substantive programmes on anti-corruption for its members. ECOWAS, for example, has a Protocol on corruption and Inter Governmental Action Group against Money Laundering in West Africa known as GIABA. It was established by the West African States to facilitate the adoption and implementation of Anti-Money Laundering (AML) and Counter-Financing of Terrorism (CFT) in the Sub-region. Similarly, SADC on its part has also a Protocol on corrupt practices for its member states. It also has a body known as the South African Forum against Corruption (SAFAC) to facilitate the formulation and implementation of SADC anti-corruption programmes. Although, East Africa is presently finalizing its Protocol on anti-corruption, it has what is known as the East African Anti-Corruption Authorities (EAAACA). One of the sections below discusses in detail the SAFAC initiative to put in proper context the effective utilization of the initiative by the Kenya and Rwanda governments. Interesting to note is the fact that some countries belong to more than one sub-regional initiative. For example, Tanzania is a member of SAFAC and EAAACA respectively.

### **Continental Level**

At the continental level, there is the African Union Advisory Board on Corruption (AU-ABC) and its Convention. As of today, thirty-three African countries have ratified the Convention and thirteen have responded to the AU-ABC questionnaires on the Convention. In addition to the Convention, the AU had adopted the NEPAD document, which also has provisions to set up a coordinating mechanism to effectively combat corruption. The Union initiated an anti-corruption blueprint for fighting corruption under its NEPAD Action Plan.

The Political governance component of the African Peer Review Mechanism of NEPAD has been the auspice where corrupt practices have been examined and evaluated. Solutions on how to combat corruption in Africa are also expected to be provided for in the APRM report. It is important to indicate that the APRM has been doing great work on the corruption problem in terms of providing findings and recommendations on how to tackle them; unfortunately implementation of APRM recommendations has been a great challenge. At the same time, NEPAD has not forged a strategic partnership with the African Union Advisory Board on Corruption on how to jointly combat corruption on the continent. Regrettably, the AU Department of Political Affairs has also been on its own in terms of anti-corruption programming. There is a need for coherence and collaboration on anti-corruption at this level.

Similarly, there is a body known as the African Parliament against Corruption; although the author discovered during a programme that was organized by the Pan African Parliament in Port-Harcourt, Nigeria in December 2012 that the Pan African Parliament has just commenced partnering with the body. The African Union Advisory Board on Corruption has also not established official relationship with the African Parliament against Corruption and the Pan African Parliament. For Africa to make meaningful anti-corruption progress efforts must be strategically harnessed together and collaboration among all the key actors on anti-corruption is critical.

Finally, the African Association of Anti-Corruption Authorities (AAACA) that had become moribund is being resuscitated by the African Union Advisory Board on corruption with technical and financial support from G-PAD, UNECA and the Swedish International Development Agency. The body has re-packaged its Constitution and is in the process of finalizing and adopting its continental strategy against corruption.

### **International Level**

Many African states are signatories to so many international anti-corruption treaties and conventions. These include the United Nations Convention on Corruption, the OECD Convention and others too numerous to highlight here. Unfortunately, despite all these initiatives and other attempts at combating corruption in Africa, the scourge remains a huge challenge for the continent. Little wonder that democratization is not flourishing in Africa.

All the above anti-corruption initiatives have all been commended as excellent initiatives. The experience over the years with regard to their implementation on the continent is that African citizens do not really facilitate and own these policies and programmes. In fact, many Africans are not aware of their existence. For anti-corruption policies to be effective on the continent, they must be people-oriented and focused. Not only that, the citizens must own them.

The experience in Africa today is that while the citizen plays critical roles in deepening democracy, the experiences on anti-corruption fight seem to be the opposite. At the national level, most governments developed anti-corruption programmes and policies to boost their Political Parties' profiles without allowing the citizen to craft the anti-corruption programmes and strategies. In fact, in some African countries, establishment of anti-corruption institutions and the passing of anti-corruption laws were donor conditionalities prior to receiving grants and loans from the International Financial Institutions. Little wonder then as to why such anti-corruption laws and policies have not been working.

In addition to the above, many Africa countries signed and ratified many international anti-corruption laws without consulting their citizens. This explains why there are so many treaties and conventions on anti-corruption on the continent without much success on transparency and accountability. For anti-corruption programmes to be successful, they must be people-oriented and owned.

## **Democratization and Anti-Corruption Policies in Africa**

### **A Case Study of Kenya and Rwanda**

To drive home our argument, we compare the experiences of two African countries, the Republics of Kenya and Rwanda, on the above subject. These two countries have so many governance practices in common, which include liberal democratic and anti-corruption initiatives; although Kenya is an old democracy with a relatively peaceful atmosphere compared to the Republic of Rwanda, a young democracy born out of conflict and genocide experience a decade ago. The two countries are in the East African region and they both have in recent times demonstrated political moves through different reforms to deepen their

democratic governance. A good example that comes to mind for Kenya is the democratic constitutional reform. The democratic agenda was process-led and people-driven, and more importantly, citizens-centred. Today, the new Kenya Constitution and the process that led to its making are reference points as modern and democratic best practices on how to fashion a people-focused and centred Constitution in Africa.

On her part, the Republic of Rwanda has not only rolled out different democratic reforms, it has demonstrated genuine commitment to democratic principles like openness, transparency, accountability and good governance in all its reforms. The two countries have so many democratic initiatives in common but their level of commitment to these initiatives and programmes varies. What makes the difference between these countries on democratic dividends is the level of implementation. One is more committed to anti-corruption and good governance than the other.

In addition to the above, the two countries have in several instances shown through their public policies that they are both serious in the war against corruption. For example, both countries have signed and ratified the United Nations and the African Union anti-corruption conventions. The two countries have their national anti-corruption bodies established and dedicated to the fight against corruption. They both have national anti-corruption policies. For example, we have the Kenya Anti-Corruption Commission (KACC) and the Office of Ombudsman of Rwanda. One of the encouraging moves in the fight against corruption in East Africa as a region is the formation of the East African Anti-Corruption Authorities (EAAACA) headquartered in Republic of Uganda. Kenya and Rwanda were part of the five countries that established the regional body. Today, EAAACA has significant influence on the East Africa anti-corruption agenda, particularly on Kenya and Rwanda. The EAAACA has the following “long-term objectives”:

### **EAAACA Objectives**

- a) To promote, facilitate and regulate cooperation among the Partner States to ensure the effectiveness of measures and actions to prevent, detect, investigate, punish and eradicate corruption and other related offences in East Africa;
- b) To promote and strengthen the development in East Africa by Partner States of mechanisms required to prevent, detect, investigate, punish and eradicate corruption and other related offences in the public and private sectors;
- c) To coordinate and harmonize the policies and legislations between Partner States for the purposes of prevention, detection, investigation, punishment and eradication of corruption in the East African Community region;
- d) To accord one another mutual legal assistance regarding detection, investigations, prosecutions, identification, tracing, freezing, seizure, confiscation and repatriation of property, instruments or proceeds obtained or derived from corruption;
- e) To assist in extradition of any person charged with or convicted of offences of corruption and other related offences, carried out in the territory of an East African Community Partner State and whose extradition is requested by that Partner State Party, in conformity with their domestic laws, any applicable extradition treaties,

or extradition agreements or arrangements between or among the Partner States, or Memorandum of Understanding and Bilateral Agreements between the Anti-Corruption Authorities;

- f) To establish the necessary conditions to foster transparency and accountability in the management of public affairs;
- g) To cooperate in the area of witness protection and whistle blower protection system;
- h) To provide each other with the greatest possible technical cooperation and assistance in dealing with requests from authorities that are empowered by virtue of their national laws to prevent, detect, investigate and prosecute acts of corruption and other related offences;
- i) To disseminate information on the work and activities of Anti-Corruption Authorities among private and public sectors, civil society and the media;
- j) To stimulate public awareness about the dangers of corruption and about civil society's role in the prevention and combating of corruption in general;
- k) To carry out joint training programmes of employees of the member Anti-Corruption Authorities;
- l) To conduct research on new and best practices and innovations to improve and enhance the effectiveness of Anti-Corruption Authorities in the East African Community Region, and to promote ethical values;
- m) To make reports and recommendations to appropriate authorities on best public practices and reforms that would enhance the effectiveness of Anti-Corruption Authorities;
- n) To promote cooperation among the Anti-Corruption Authorities in conducting and exchanging studies, researches and expertise on good governance, ethical values, and on how to prevent and combat corruption and other related offences;
- o) To facilitate the repatriation of proceeds of corruption or money laundering or ill-gotten wealth and the seizure of any property when requested by any Party to this Constitution;
- p) To network, associate and co-operate with Regional and International Bodies and Authorities;
- q) To do any other thing for the common interest of the Anti-Corruption Authorities that are members of this Association.

### **National Initiatives on Democracy and anti-corruption**

In addition to the above sub-regional anti-corruption initiative, each of the two countries has specific anti-corruption programmes at different levels to implement the above objectives. Below are some of the national anti-corruption initiatives from the two countries:

**The Republic of Kenya** regulatory procedures have been streamlined and simplified, resulting in Kenya being named as one of the world's top ten reformers by the World Bank and the International Finance Corporation in 2009. Below are some of the indicators to prove the above conclusion.

- There is an effort to increase the number of government agencies to comply with the codes of conduct and the reforms of the public financial management (PFM) systems are meant to greatly enhance transparency and accountability in the utilization of public resources and to improve public service delivery.
- An ethics and governance committee of the judiciary has been established to assess the level of corruption in the judiciary, report on individual cases and recommend remedial measures.
- The government has launched an Open Data Portal. Kenya is the first African country to make government data accessible to ordinary citizens via the Internet.
- Political interference in the private sector has been reduced via structural reforms, including privatization and deregulation.
- A democratic constitution had been made and constitutionalism remains the way forward.

#### **The Republic of Rwanda**

- **Rwanda's anti-corruption authority**, the Office of the Ombudsman, was established by the adoption of the 2003 Constitution. The office is a unique institution that combines the traditional powers of an ombudsman with the anti-corruption activities of an independent anti-corruption authority. Its explicit mandate is to reinforce good governance in both public and private institutions. The body also serves as a vital link between the citizens and the rest of the government. It has strengthened the Rwanda political authority and made recommendations for policy changes at individual agencies and at the Parliament level.
- The Office of the Ombudsman has gradually implemented its multi-pronged approach to combating corruption by slowly increasing the number of training programs it offers to individual agencies, the public and civil society.
- Rwanda has a national programme on mainstreaming transparency and accountability in public procurement.
- The Ombudsman's office has also increased the comprehensiveness of the corruption audits on individual agencies to improve its ability to identify weaknesses in the public institutional structures.
- It phased its implementation of the income and asset declaration system by issuing warnings to non-compliant filers for the first two years, and then gradually sought greater and greater sanctions against individuals who fail to submit their declarations.

In a recent survey on the incidence of corruption conducted by Transparency International (TI), across the East African Community, Rwanda emerged as the least corrupt of the five member States, standing at 6.6%, Tanzania 28.6%, Kenya 31.9%, Uganda 33% and Burundi 36.7%. The explanation is not unconnected with the fact that the government of Rwanda is fully

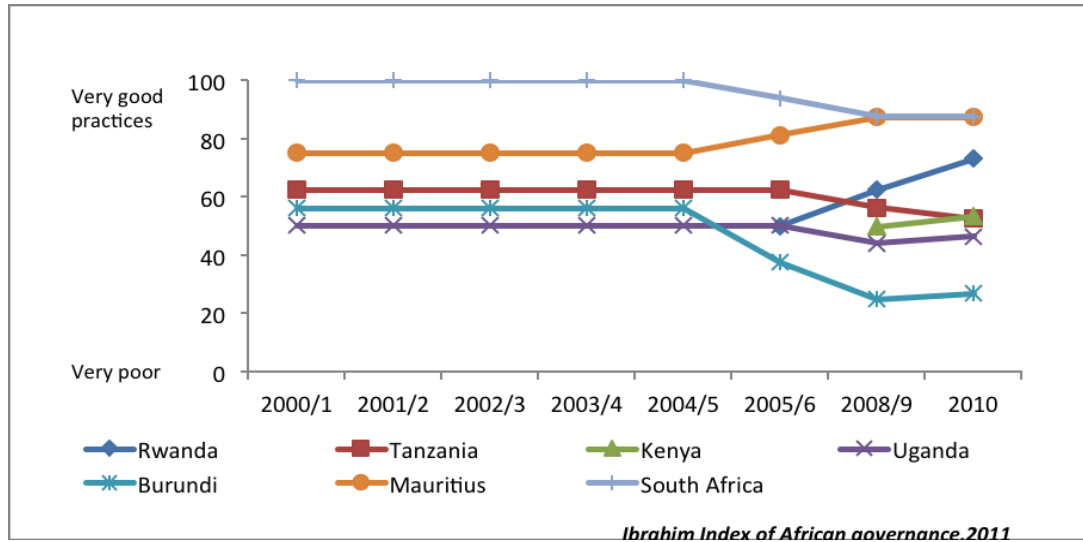
committed to its anti-corruption programmes and the President of the country is personally committed through personal declaration of assets. In Kenya the Ethics and Anti-Corruption Commission (EACC) Act gives the anti-corruption body no teeth to bite and dithers on the question of fines and penalties denying the organization prosecutorial powers.

In Section 11 of the Act, for instance, EACC is empowered only to do such mundane things as developing and promoting standards and best practices; developing a code of ethics; receiving complaints; investigating and recommending to the Director of Public Prosecutions any acts of corruption; advise; oversee and raise public awareness; establish strategic linkages and partnership. The Kenya anti-corruption challenge is that there is no correlation of action between the policies and action. To paraphrase Winston Churchill, the answer remains a riddle, wrapped in a mystery, inside an enigma. On the other hand, The Rwandan Law No. 23/2003 of 7 August 2003 on the Prevention, Suppression and Punishment of Corruption and Related Offences is unequivocal and minces no words as to sanctions, fines and imprisonment imposed on those convicted of corruption whether political leaders or not (Wario, 2012). Although, some individuals have reservation on the Rwanda One-Party system and its effects on its anti-corruption programmes, irrespective of this concern, the fact remains that the Rwanda anti-corruption programmes are working and influencing democratization positively and it is today a model on the continent.

Furthermore, the Rwandan Anti-Corruption Laws are underpinned by a vibrant and binding Leadership Code of Conduct. Leaders are required to exude and demonstrate moral authority necessary for someone to play a leadership role in a manner that is respectable of the Rule of Law, National Sovereignty and Human Rights. Leaders starting from the President of the country must solemnly and truthfully declare their assets and liabilities, and never bring their office or the state or the government they serve, into dishonour or disrepute. They must not put foreign interests before those of country or acquire property through illicit enrichment. Leaders must not be careless, opportunistic, ambivalent, embezzlers, extortionists or selfish. They must put the interest of the country and of the people they lead before their own. They must never condone conflict of interest, a situation in which personal interests override the public interest.

From the above indicators and explanation, it is obvious that in recent times, these two countries have had so many anti-corruption programmes in common that ought to have helped them to deepen their democracies, but that of Kenya has not been working as expected. For example, a recent 2012 World Bank report indicates that job deficit is widening in Kenya as the private sector bows to and embraces bribery as a way of life. In the same vein, the Kenya Economic Update 2012 on corruption indicates that Kenya is losing over a quarter of a million jobs every year to corruption, with employers in both private sector and the government spending over Sh104 billion that could be directed to create jobs paid as kickbacks to get things done. To corroborate the above conclusion, the Transparency International, Mo Ibrahim Index of African Governance and the UNECA's Africa Governance Reports (AGR) conclude that the Republic of Rwanda is making fantastic and rewarding progress in its anti-corruption programme while Kenya seem to be lagging behind. In fact, experts have argued that countries such as Liberia, Rwanda, and Tanzania have made substantive progress in reducing corruption in recent times too (Hanson, 2009).

Figure1: Transparency and Corruption control in Africa with Leading among the selected East African Countries



As clearly shown in the above graph, what makes the difference between the two countries is that although they wear similar anti-corruption caps, Rwanda has and continues to demonstrate more practical political commitment to its anti-corruption policies than Kenya and this has comparatively deepened Rwanda’s democratization and good governance more than Kenya’s. Also, the citizens of Rwanda were fully involved in the design and implementation of the policies and programmes while the scenario was not so in Kenya until recently.

**Analysis of trends in the two countries**

From the above cases, it is clear that both countries have similar democratization and anti-corruption programmes, the plan to combat corruption and to deepen their democracies. However, certain factors make one more successful than the other. What are these factors? This question takes us to the underlying success factors on democracy and good governance on the continent.

The following factors, amongst several others, are critical for the State, irrespective of where it is on the globe, to be successful in its good governance and development agenda: Political declaration of good governance and development; Political commitment to implementation of good governance (anti-corruption) and development; Citizen involvement in design and implementation of democracy and good governance programmes; Citizens ownership of good governance policies and programmes; and Leadership demonstration of commitment to good governance and development

From the above analysis, and as tabulated below, we are able to deduce why Rwanda seems to be more successful than Kenya in its democratization and anti-corruption programmes.

Table 1: Comparison of Political Indicators in Kenya and Rwanda

Political Indicators	Kenya	Rwanda	Comments
Political declaration of good governance and development	High	High	Both have good declarations. There are excellent policies and programmes in the countries on how to deepen democracy, good governance and development:
Political commitment to implementation of good governance(anti-corruption) and development	Average	Very High	The political commitment on the part of Rwanda is higher in term of implementation. This might not be unconnected with the civil war that engulfed the country in recent past. Any attempt for leadership not to be serious on good governance and developmental issues could make the country slide back to civil war. On the part of Kenya, there was a significant trend in terms of the commitment towards the end of President Mwai Kibaki tenure and if the momentum is maintained under the incumbent President Uhuru Kenyatta, there is likely going to be better governance and development in Kenya in the nearest future. Political analysts in recent times have argued that if Kenya should continue in its political architecture the way it is currently going, it may likely be one of the leading democratic and developmental countries on the continent.
The Citizens involvement in design and implementation of democracy and good governance programmes	average	High	Very high in Rwanda. However with the new citizen-driven Constitution in Kenya, hope seems rising.
Citizens Ownership of good governance policies and programmes	Average	High	Very high in Rwanda. However with the new citizen-driven Constitution in Kenya, hope seems rising.
Leadership demonstration of commitment to good governance and development	Average	High	The two are committed. But references to the impressive work of President Kagame and his team on good governance and democracy in literature on the Continent, and at the international level is more than that of Kibaki and his team. But is important to indicate that the last years of Kenya government commitment to democracy and good governance, particularly with the new Constitution, the country is likely going to be a model for citizens' government on the continent.



## Recommendations

There are different arguments relating to why democratization and anti-corruption programmes have failed in Africa. This article does not attempt to further complicate the arguments but to contend that Africa has never lacked the ideas of how to have good democracy and anti-corruption policies, good governance and sustainable development. The challenge has always been the commitment to transform the excellent ideas and policies into practicable and sustainable development projects. Over the years, Africa continues to churn out excellent public policies on anti-corruption but the commitment (political will) to implement them has always been the challenge. Also, African democratization experiences have not yet effused the key elements of liberal democracy-- transparency, accountability and the Rule of Law etc, and this has impacted negatively the continent's development. There is therefore urgent need for popular participation by African citizens in the making and implementation of public policies and programmes; African States must embrace without reservation openness and transparency in governance; the public institutions, particularly the anti-corruption agencies, the legislature and Judiciary must be independent of the executive; elected leaders must be the citizens' servants and not masters; all democratic elections in Africa must not be taken to be business where politicians and business elite invest and wait to reap the profit in the form of contract awards and political appointments. With these types of practices, democracy will not flourish in Africa

Finally, for African States to make progress in their anti-corruption policies and for them to consolidate democratic dividends, there must be a collective commitment to democratic values and willingness on the part of the political elite to fully implement their anti-corruption policies as is presently demonstrated by the Republic of Rwanda.

## Conclusion

The impact of effective anti-corruption policies on democratization cannot be overemphasized. Good anti-corruption programmes and policies are some of, and not all, the pre-requisites to effective democratization and good governance. Political declaration of good governance and development is not enough; Political commitment to implementation of good governance declaration is critical. Citizen involvement in design and implementation of democracy and good governance programmes must not be taken for granted. It is the basis for legalizing democratization processes. Also, citizen ownership of good governance policies and programmes, and the leadership's demonstration of commitment to good governance and development must not be taken for granted.

Anti-corruption in Africa should be designed not only to target corruption in the bureaucracy and the private sector. Africa must re-design its anti-corruption programmes to target electoral financing to curb the corrupt practices that are currently fueling African electoral politics. At the same time, effectiveness in anti-corruption and democratization agenda in Africa can only be realized if the existing different levels of government at the national and regional arenas align their initiatives with good practices at the continental and global levels.

When there is commitment to anti-corruption policies as demonstrated by Rwanda, democratic dividends then become a reality. The reference to democratization and good

governance in Rwanda today has a strong correlation to Rwanda's successful anti-corruption policies. For Africa to deepen its democratization, commitment to anti-corruption programmes is a must.

Finally, the choice of Kenya in this article hinged on the fact that the country has not been depicted doing as well as Rwanda, but it has taken a giant step in recent times to demonstrate through its Constitution reform and implementation of the Constitution that it is on the verge of taking over a leadership role in terms of good governance, anti-corruption programmes and democratization on the continent.

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