



**AN INVESTIGATION OF THE ANTICORRUPTION COMMISSION OF
NAMIBIA: A FOCUS ON CORRUPTION REDUCTION**

**A THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENT
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DEDICATION

I dedicate my dissertation work to my family and many friends. A special feeling of gratitude to the loving memory and blessings of my departed parents; Leonard K. Lutaka and Noreen M. Mwinga whose words of encouragement and tenacity has rang in my ears ever since their departure.

I also dedicate this dissertation to my two sons; Leon K. Lutaka and Keon S. Lutaka, and my special daughter Uma-Reen M. Lutaka for loving me unconditionally despite long absences in your lives during my time of study; and most of all; to my special partner who stood by me during this time of constant neglect.

My final dedication goes to all my siblings, I am grateful for all the support you have given me.

“Words may not thank you enough, but my conscious is at peace for having you by my side”.

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DEFINITION OF TERMS

Acronyms

ACC – Anti-Corruption Commission

HSF – Hanns Siedal Foundation

IPPR – Institute for Public Policy and Research

NID – Namibia Institute for Democracy

OPG – Office of the Prosecutor General

OPM – Office of the Prime Minister

Definitions

Agency Dilemma - The principal–agent problem (also known as agency dilemma or theory of agency) that occurs when one person or entity (the "agent") is able to make decisions on behalf of, or that impact, another person or entity: the "principal.

Big-fish – A superior person with a strong political connection believed to have impunity against corruption

Big-fish-small-fish Dilemma – A phrase that refers to the ability of the elites and politically connected individuals to poses impunity against corruption when multitudes or ordinary people are punished.

Personal Cash-cow - A business, investment, or product that provides a steady income or profit for the total benefit of the individual instead of the organizations they serve.

Demand-side Approach- An economic theory that advocates for the use of government spending and growth in the money supply to stimulate the demand for goods and services and therefore expand economic activity

John Magufuli Ideology - A phrase that puts austerity at the fore-front of all public service operations by minimizing costs or waste.

Small-fish - An inferior person with little or no political connection believed to be easily punishable for involving in corrupt activities.

ABSTRACT

The study aims to evaluate on how the Anti-Corruption Commission of Namibia can reduce corruption more effectively and how the commission can address the inefficiency of the agency's current operations. In this empirical qualitative case study, both primary and secondary data were used. The primary data gathered through participant observations, semi-structured interviews and secondary data obtained from journal articles, reports, textbooks etc... Furthermore an inductive approach to reasoning was used, therefore no hypotheses were required. The study is based on a Social-Constructionism philosophy where human interests are the main drivers. Explanations were derived from rich data from four different institutions and ideas were induced to increase general understanding of the phenomenon under study.

The research targets a population of 45 employees from different hierarchies of the organizations such as Anti-Corruption Commission (ACC), Institute for Public Policy and Research (IPPR), Office of the Prosecutor-General (OPG), and the Namibian Institute of Democracy and the Hanns Siedal Foundation (NID & HSF). The researcher used semi-structured interviews to obtain data from the participants and data was analyzed using content analysis where both tables and figures were used to transform qualitative data into quantitative data. The quantified numerical data obtained from frequency tables were presented on either bars or pie charts; from which a summary was made and conclusions were drawn.

The findings in this study show that corruption in Namibia is exacerbated by certain legal statutes, systems and procedures and the lack of reinforcement of good corporate governance principles. Furthermore, the commission lacks expertise in its operations and its reputation is affected by the lower rate of convictions in the few cases that are prosecuted.

Therefore, the focus should aim at correcting corrupt systems and procedures rather than focusing on individuals. The use of technology in public awareness, investigation and corruption prevention activities is highly recommended especially the use of social media platforms and ACC website to report corruption or to educate the public. Finally, the financial backing from the State is crucial because ACC employees need to be well-trained and retained by paying better salaries which lead to improved ethical behavior and reduced involvement in illicit activities.

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DECLARATION

I, **Lutaka John Lutaka**, hereby declare that; this thesis is a presentation of my original research work, or part thereof has not been submitted for an MBA in any other institution of higher learning. Wherever contributions of others are involved, every effort is made to indicate this clearly, with due reference to the literature, and acknowledgement of collaborative research and discussions.

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The work was done under the guidance of **Dr. Lovemore Matipira**, at **The International University of Management, Namibia.**

Candidate's name: **Lutaka John Lutaka** signature:

In my capacity as supervisor of the candidate's thesis, I certify that the above statements are true to the best of my knowledge.

Supervisor: Dr. Lovemore Matipira signature:

Date:

CHAPTER ONE

1.0 INTRODUCTION

The Anti-Corruption Commission of Namibia (ACC) is an agency of the state that came into effect through Act of Parliament (Anti-Corruption Act No. 8 of 2003) on the 15th of April 2005. It is headed by the Director General who is supported by a Deputy Director General. Both the Director and Deputy Director Generals are nominated by the Head of State and then appointed by the National Assembly. The ACC is mandated to fight corruption through investigation, public education and corruption prevention in both public and private sectors (Anti-Corruption Act, 2003).

In order to execute these functions among others; the ACC receive or initiates and investigate allegations of corruption, examines practices, systems and procedures of public and private bodies to facilitate the discovery of such practices and securing the revision of systems or procedures which may be prone to corruption. Furthermore, the ACC advises public and private bodies on ways of preventing corrupting and on changes of practices, systems, and procedures. The agency also educates the public by disseminates information on evils and dangers of corruption as well as enlisting and fostering public confidence and support in combating corruption (Anti-Corruption Act, 2003).

1.1 Background to the Study

Like all developing countries, Namibia suffers from poverty, hunger, poor service delivery, inequalities in resource and wealth distribution, maladministration and skewed bureaucratic systems in all sectors of the economy. Most of these challenges occur as a result of corruption in both public and private sectors. As the country gears towards redressing the imbalances of the past colonial era, most laws are formulated to favor the previously disadvantaged groups or those in position of power which has brought about abuse of power and a widening poverty gap in spite of such new interventions.

1.2 Problem statement

Despite a notable high number of cases reported as from 2006 to 2014 since the inception of the commission, only a few cases has been prosecuted by the Prosecutor General, (Anti-Corruption Commission of Namibia Annual Report, 2014). This has diminished the much needed positive public image of the ACC. Furthermore, by statute the ACC is an independent and impartial body; but yet prosecution still falls under the judicial functions of the state.

Moreover, agency theory dictum dictates that an Agency (ACC) works for the Principal (Government of the Republic of Namibia). This means the principals have authority over several aspects of the operations, although the agent also has responsibilities, this gives raise to agency and principal dilemma (Bebchuk & Fried, 2004). Adam Smith, emphasizes that; ‘the directors of institutions, being managers of other people’s money, cannot be expected to watch over it with the same vigilance with which they watch over their own, (Tricker, 2012, p. 58). Tricker adds that, whenever the owner of wealth (the principal) contracts with someone else (the agent) to manage his or her affairs, the agency dilemma arises’. If this is true then the issue of “The Big-Fish/Small-Fish Dilemma” truly exists in the Namibian context.

In Namibia “Big-Fish/Small-Fish Dilemma” is a coined-up phrase that refers to a situation whereby some unhappy complainants accuses the ACC of targeting poor and politically less connected people (Small-Fish) while politicians and other prominent figures (Big-Fish) are acquitted of corruption charges levelled against them. Therefore, this could be addressed through examining the structure of how acquittal decisions are arrived at by following proper corporate governance principles in order to foster a positive public perception.

The problem is the delay in prosecution, the decisions making processes on whom to investigated, acquit and prosecute and the independence of the ACC, the conformity to practices of good corporate governance principles, and the diminishing public image of the organization.

1.3 Objectives of the Study

The main purpose of the study was to evaluate how to reduce corruption in Namibia. The study explored the strategies and challenges faced by the institution in corruption reduction.

Amongst others; the Objectives of the study were:

- To identify factors that can be used by the ACC to reduce corruption
- To examine the strategies used by the ACC to reduce corruption
- To examine the challenges the ACC face in fighting corruption
- To determine factors that influence corruption in Namibia

1.4 The Aim of the study

The main aim of the study was to evaluate on how the Anti-Corruption Commission of Namibia can reduce corruption more effectively and to address the inefficiency of the agency's current operations with regard to fighting corruption.

1.5 Research questions

Major research questions that were explored in this study are as follows:

- What new interventions can the ACC use to reduce corruption?
- What strategies does the ACC use to reduce corruption?
- What challenges does the ACC face in fighting corruption?
- What factors influence corruption in Namibia?

1.6 Significance of the Study

In order to accelerate Namibia's quest as an industrialized as envisioned in vision 2030, the country's resources need to be guarded jealously to avoid over exploitation and self-enrichment of certain individuals by enhancing integrity, transparency and accountability in all areas of production as well as service delivery. Therefore, fighting corruption in both public and private sectors provides leverage for the successful attainment of vision 2030.

On a personal level this study enlightened the researcher and other employees of the Anti-Corruption Commission on how to improve their current undertaking in the fight against corruption. In other words, it identified factors that could help the ACC reduce corruption in Namibia. These are important for the development and well-being of the citizens and the international community at large. The findings of the study are significant because they provide an insight on how to seal loopholes in both private and public sectors through reformulation of policies and replacement of outdated legislations that breeds corruption activities.

The Anti-Corruption Commission (ACC) has an important role in Namibia's development by ensuring that accountability, transparency and integrity in both public and private sectors are enhanced. Enhancing accountability in these sectors will result in good service delivery which accelerates the growth of the country's economy. Furthermore, enhancing transparency on the other hand improves public confidence and creates an opportunity for checks and balances in all activities of both sectors; whereas integrity ensures that all citizens have a shared responsibility in the fight against corruption which results in improved lives of all citizens. Therefore, the reduction of corruption is important because it improves service delivery, reduces the poverty gap, discourage monopoly and abuse of power as well as enhancing equal distribution of resources to all citizens.

1.7 Delimitation of the Study

The study focuses on the Anti-Corruption Commission of Namibia (ACC) within the boundary of the Khomas region, other institutions that participated in the study includes; Institute for Public Policy and Research (IPPR), Office of the Prosecutor General (OPG), and the Namibia Institute for Democracy (NID) and the Hanns Siedal Foundation (HSF). These institutions were chosen because their functions complement those of the Anti-Corruption Commission and are key partners in fighting Corruption through their advocacy on democracy, governance, policy analysis, political education, peace and developmental issues.

1.8 Limitations of the Study

Although this research was carefully prepared, the researcher thought of the following limitations and shortcomings;

- It would have been better if the study was done on a longer time frame to include all concerned stakeholders including other ACC offices in the regions.
- The study is limited to the Anti-Corruption Commission of Namibia only, and only ACC head-quarter employees will represent the ACC as part of the population.
- The participant's schedules will affect their objectivity when answering questions especially those with other special commitments on the day of the interview; therefore,

allowing participants five days instead of 30 minutes would at least increase reliability of data collected.

- This is an academic study which is not funded by any institution and the researcher is a full-time employee of the Anti-Corruption Commission, these had a negative influence on data collection due to high transport cost and the time allocation on the study and work.

1.9 Chapter Summary

The study is structured into five chapters;

Chapter One: Introduction

This chapter outlines the back-ground and the significance of having the Anti-Corruption Commission of Namibia and the importance of reducing corruption in Namibia. It further states the aim of the study and explains the research objectives, the problem statement, research questions as well as the assumptions and limitations of the study.

Chapter Two: Literature Review

In this chapter the researcher discusses the literature reviewed related to corruption reduction, agency theories and practices of good corporate governance or lack of it there off.

Chapter three: Research Methodology

This chapter covers the rationale for the study and the research design; where the type of research, methodology, population target, sample size, data analysis, ethical consideration, research instruments and the research process will be elaborated.

Chapter Four: Findings and Data Presentation

Under this chapter data is presented in graphic format and converted into quantitative results to obtain the t-test, chi-test, or correlation tests, if available.

Chapter Five: Summary, Conclusion and Recommendations

This chapter will focus on linking the findings or analysis to the problem statement, the literature reviewed as well as the study objectives. It will also conclude the research by providing a summary of the research findings and answering the research questions. Finally, recommendations and future research topics will also be suggested.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

All corporate entities, including profit-oriented companies, both public and private, joint ventures, cooperatives and partnerships, non-profit organizations as well as governmental entities and quangos have to be governed. Corporate governance is about the way power is exercised over corporate entities. It covers the activities of the board and relationships with shareholders or members, and with those managing the enterprise, as well as with external auditors, regulators and other legitimate stakeholders, (Tricker, 2012).

Apart from being known as an agency of state, the Anti-Corruption Commission of Namibia can also be referred as a quasi-autonomous non-governmental organization (quango or QuANGO). A quango is an organization to which a government has devolved power. In the United Kingdom this term covers different "arm's-length" government bodies, including "non-departmental public bodies", non-ministerial departments, and executive agencies, (Talbot, 2013).

A quango can also be defined as a semi-public administrative body with financial support from and senior appointments made by the government, (Oxford South African Concise Dictionary (OSACD), 2015, p. 963).

The Anti-Corruption Commission of Namibia (ACC) is mandated and was enacted by an Act of parliament, Act no. 8 of 2003 to investigate, educate and prevent corruption in Namibia, (Anti-Corruption Act, 2003). Corruption may be bureaucratic or political, briber initiated or bribee initiated, may involve theft or may not, can be centralized or decentralized, internal or external, transactional or extortive, grand or petty, personal or institutional, intensive, nepotistic, favoritism etc.

2.1 What is Corruption

Okekeocha (2013), defined corruption as "an arrangement that involves an exchange between two parties (the demander and the supplier) which (i) has an influence on the allocation of resources either immediately or in the future; and (ii) involves the use or abuse of public or collective responsibility for private ends" (Macrae, 1982, p. 678; cf Salisu, 2006, p. 3). The International Monetary Fund defined corruption as "abuse of authority or trust for private benefit; and is a temptation indulged in not only by public officials but also by those in positions of trust or authority in private enterprises or non-profit organizations" (Wolfe and Gurgun, 2000). Corruption can be very tragic to nations and its pervasiveness can lead to low economic performance of countries, especially those in developing countries like sub-Saharan African nations (Iroghama, 2011).

According to Baç, (1996), external corruption is simply a transaction between a member of an organization and an outsider, as in the case of a bribe taking official. On the other hand, internal corruption is a kind of collusion between superior and subordinate, through which proceeds from external corruption is transferred to upper levels. Centralized-decentralized and internal-external corruption types are linked in that, centralized corruption is based on a well-organized internal corruption. In extreme cases the entire political and bureaucratic system can work as a monopoly in determining bribes for supplying public services. Ackerman (1999) explains that decentralized corruption occurs where there are many public authorities giving independent, complementary services, each determining and collecting their own bribes. Due to the anarchy and unpredictability it creates, decentralized corruption can be more distortionary for the businesses than centralized corruption. As a solution to both, it is frequently argued in the literature that, if a system of officers providing the same public service competitively can be established, competition among officers would reduce bribes down to zero.

Dike, (2002: p. 2) contends that; Bureaucratic corruption occurs 'in the public administration' or 'the implementation end of politics.' This kind of corruption is known as 'low level' and 'street level' corruption. This is the type of corruption that citizens encounter in their daily lives, they are confronted by it in places like the hospitals, schools, local licensing offices, police, taxing offices and various other public agencies", (Lipsky, 2010).

Bureaucrats have rules and regulations that they are supposed to follow which promotes uniformity and achieves equity. Street-level bureaucrats perform their duties by making decisions based on individual cases brought before them. They are given bureaucratic discretion which is the ability to decide how policies should be implemented but if this power is abused it can lead to corruption. This mostly applies to public service workers with discretionary power, relative autonomy from management, whose decision over public benefits and sanctions can shape public policy (Lipsky, 2010).

Although this is the case, assumptions are still found across all branches of government today, as theoretical framework transcends to federal, state, and local governments. Decisions made by a district attorney, public defender, or a judge are all public records, recorded in court minutes, which may limit or impact how they use their discretion. Judges adjudicate cases and hand down sentences; district attorneys offer plea bargains and dismiss cases, and public defenders file motions on their clients' behalf. Adversely, a police officer can look the other way and not be held to account. Is the discretion of a social worker the same as a district attorney? This and many more need to be addressed because some discretionary powers have a negative bearing on the lives of the citizens and/or affects the efficiency of service delivery.

Transactional corruption is a voluntary agreement between a donor and recipient, benefiting both parties; on the other hand, extortive corruption involves compulsion, imposed on donor to avoid some form of harm on the part of the donor. Grand corruption is a high level type of corruption which involves big projects and big amounts of money in which high level politicians or bureaucrats are involved and low leveled type of corruption (petty) where small amounts of money given to lower level civil servants just to speed up the procedures or to get small favor, (Heywood, 1997).

In conclusion, a neutral public bureaucracy is essential in a democratic system because it leads to an efficient and effective public bureaucracy. The public bureaucracy has a significant role to play in the administration of government; it ensures that the delivery of goods and services are evenly distributed to ensure equity. A corrupt bureaucracy can lead to a decrease in the quality of goods and services being provided by the government. Corruption may aim personal enrichment (personal corruption) or may aim to benefit an institution such as a political party (institutional

corruption) and nepotistic corruption occurs when friends or relatives are appointed to public office by making them legally unjustified favored treatment over others.

2.2. Corporate Governance theories and perspectives

In order to enhance efficiency, effectiveness, transparency, accountability and integrity in various public and private sectors; different schools of thought outlines how such objectives can be attained by devising different theories and perspectives.

Cadbury (2000) define corporate governance through a societal perspective, by stating that, it is concerned with holding the balance between economic and social goals and between individual and communal goals. The corporate governance framework is to encourage the efficient use of resources and equally to require accountability for the stewardship of those resources. The aim is to align as nearly as possible the interest of individuals, corporations and society. , A societal perspective views corporate governance in a context of a whole set of legal, cultural, and institutional arrangements that determines what the public corporate can do, who controls them, how that controls is exercised, and how the risks and returns from the activities they undertake are allocated, (Tricker, 2012, p. 30-31). Therefore, due to its mandate, the Anti-Corruption Commission has an obligatory right to align interests of individuals, corporations in both public and private sectors, and society as nearly as possible to that of the nation (Namibia).

An Operational Perspective on corporate governance puts more emphasis on procedures and processes according to which an organization is directed and controlled, focusing on the shareholders, the board and the management. Therefore, the ACC has a duty ensure that procedures and processes of codes of good practices are adhered in all sectors including within the institution itself.

Agency theory identifies the agency relationship where one party (the Principal) delegates work to another party (the agent). The agency relationship can have a number of disadvantages relating to the opportunism or self-interest of the agent. The agent may not act in the best interest of the principal or may act partially in the best interest of the principal. For example the agent may misuse his/her power for pecuniary or other advantage, the agent may not take appropriate risks in pursuance of the principal's interest because he/she may view those risks as being

inappropriate. There is also a problem of information asymmetry, whereby the principal and the agent have access to different information; in practice this means the principal is at a disadvantage because the agent will have more information, (Mallin, 2013). As a possible solution in the context of corporations and corporate controls, agency theory views corporate governance mechanisms, especially the board of directors as essential monitoring device to try to ensure that problems that may be brought about by the principal-agent relationships are minimized.

Managers are supposed to be the agents of a corporation's owners, but managers must be monitored and institutional arrangements must provide some checks and balances to make sure they do not abuse their powers. The cost resulting from managers misusing their position, as well as the costs of monitoring and disciplining those to try to prevent abuse have been called agency costs, (Blair, 1996). Williamson (1975, 1984), states that, agency theory views a firm as a nexus of contracts; whereas on the other hand Transaction Cost Economies (TCE) is one theory that is closely related to agency theory that views a firm as a governance structure, (Mallin, 2013, p. 18). Stiles and Taylor, (2001) observed that both transaction economics and agency theories are concerned with managerial discretion and both assume that managers are given to opportunism and moral hazard, and that managers operate under bounded rationality.

In other words, directors and top management act in their own best interest, not necessarily in those of the shareholders, Tricker, (2012, p. 64). In agency theory, there is a connected group or series of contracts among the various players, arising because it is seemingly impossible to have a contract that perfectly align the interest of the principal and that of the agent in a corporate control situation. With this in mind it is important to emphasize the importance of the separation of ownership and control of a firm in order to maintain efficiency.

Contrary to agency theory is the Stewardship theory which reflects a true classical idea of corporate governance. Stewardship theory sees directors' legal duty is to their shareholders not to themselves, nor to other interested groups. To protect their own interest shareholders nominates and elect directors who accept a fiduciary duty to be stewards of those interests. Stewardship believes that directors do not always act in a way that maximizes their own personal interests; they can and do act responsibly with independence and integrity, Tricker, (2012: p. 65).

In a London High Court, Lord Cains, (1874), stated that; ‘no man, acting as agent, can be allowed to put himself into a position in which his interest and his duty will be in conflict’.

Stewardship theorists argue that, this is clearly what directors actually do. Of course some fails, but this does not invalidate the basic concept. Stewardship exponents recognize that directors need to identify the interest of customers, employees, suppliers, and other legitimate stakeholders, but under the law their first responsibility is to the shareholders. Therefore, stewardship theorists argue that conflicts of interest between stakeholders groups and the institution (firm) should be backed by legislation and legal controls to protect customers, employees and society.

A managerial and class hegemony perspective on corporate governance focuses on the view directors have of themselves and its impact on their behavior and corporate governance implications. Directors in some companies perceive themselves as elite groups. This self-perception encourages them to behave in an elite way, dominating both the organization and its external linkages. Top management appointments ensure that newcomers fit into that elite and sustain its image. Similarly, new independent directors are likely to be nominated and appointed only if they sustain the dominance of the ruling group, (Tricker, 2012, p. 68).

Class hegemony recognizes that directors’ self-image can affect board behavior and performance. Further, executive directors with their own self-image bolstered by access to information, knowledge of on-going operations, and decision-making power may dominate board decisions. The theories of managerial and class hegemony are rooted in the socio-political disciplines, but have a penetrating insights into corporate governance and sees corporate governance as an interpersonal political process, (Tricker, 2012).

2.3 Making Anti-Corruption Agencies more effective

Pope & Vogl (2000) states that; the starting point for making anti-corruption agencies more effective should be identifying the core role of anti-corruption agencies. Given that prevention is always better than prosecution, a small investigative and monitoring unit with appropriate authority and political independence may be much better placed than other government agencies to ensure that effective preventive steps are identified and taken.

A well-financed and independent anti-corruption agency or commission can be a strong weapon in the fight against corruption. They need support, however, from both the government, judiciary and law enforcement if they are to do their jobs. Above all they need independence: they need to establish their credentials as independent investigators dedicated to fighting corruption both inside and outside government, (Transparency International , 2014).

Research by Transparency International suggests that to operate successfully, an anti-corruption agency must have the following:

- Political support not only from a country's president but also from a broad array of national political leadership;
- The political and operational independence needed to investigate the highest levels of government (some agencies that have failed—for example, those in Tanzania and Zambia—are housed within the president's office and therefore have scant opportunity to tackle corruption involving the national political leadership);
- Access to documentation and the power to question witnesses;
- Leadership with great integrity.

Furthermore, credibility and effectiveness depend on the exemplary behavior of the anti-corruption agency itself. It must act, and be seen to act, in conformity with international human rights norms. It must operate under the law and be accountable to the courts. A test for a government establishing an anti-corruption agency is whether it would find the agency's actions acceptable if it were the political opposition rather than the party in power. An enduring formula, which seems fair and workable to everyone, whether in or out of government, needs to be found.

This requires that the agency have significant powers of investigation, prosecution, and deterrence, independent of political parties and government leaders. Accountability is critical to the agency's success, as are checks on its power and the method used for selecting its leadership. Anti-corruption agencies will fail if they can be subjected to political direction and used as a weapon to attack critics of the government. Safeguards have to exist as well as to ensure the

agency does not itself become a source for extortion and corruption. Pope and Vogl, (2000) adds that, anyone can head an anti-corruption agency; however, not the hand-picked supporters of politicians in power, because such leaders could at best, be relied upon not to rock the boat at worst, they could be deployed to intimidate political opponents. Appointment procedures need to address the issue of whether the proposed mechanism sufficiently insulates the process to ensure that persons of integrity are given the leadership and that they are protected from political pressures while they are in office. Approaches widely used to provide security of tenure to high court judges could be applied here.

The Transparency International, (2012) adds that, a set of standards and principles on what makes a good anti-corruption commission includes:

- **A broad and clear mandate:** the ACC should have a clear mandate to tackle corruption through prevention, education, awareness raising, investigation and prosecution.
- **Legally guaranteed permanence:** Anti-corruption commissions ought to be established by a proper and stable legal framework, such as a constitution or a special law, to ensure the permanence of the institution.
- **Neutral appointment of ACC heads:** Heads of anti-corruption commissions should be appointed through a process that ensures their independence, impartiality, neutrality, integrity, apolitical stance and competence.
- **Removal of ACC heads and leadership continuity:** It is essential for the independence of anti-corruption commissions that their heads have security of tenure and can only be dismissed through a procedure established by law.
- **Ethical conduct and governance:** ACCs ought to adopt codes of conduct that set high standards of ethical conduct for their employees and have a solid compliance regime.

2.4 Interventions to reduce corruption

2.4.1 Information and communication Technology

Information and communications technology (ICTs) are increasingly seen by governments as well as activists and civil society as important tools to promote transparency and accountability as well as to identify and reduce corruption. New technologies, in the form of websites, mobile phones, applications etc., have been used to facilitate the reporting of corruption and the access to official information, to monitor the efficiency and integrity of social services and of a country's political life, and to make financial information more transparent. ICTs can also support campaigning efforts and help mobilize people against corruption. Over the last decade, governments have launched an increasing number of e-government initiatives to enhance the efficiency and transparency of public administration and improve interaction with citizens, (Wickberg, 2013). There is a broad consensus that ICTs have the potential to make a significant contribution to the fight against corruption. By facilitating the flow of information between government institutions, between government and citizens, as well as among citizens, new technologies can promote transparency, accountability and civic participation (Chene, 2011). There are numerous ways in which ICTs can trigger positive change: by reducing the asymmetries of information between public officials and citizens; limiting the discretion of public officials; automatizing processes, cutting out intermediaries, and reducing red tape and bureaucracy, (Zinnbauer, 2012). There are a number of possible areas in which ITC can help to combat corruption (Gronlund, 2010):

- Automation, which can reduce the opportunities for corruption in repetitive operations.
- Transparency, which can help reduce the room for discretion;
- Detection in operations, to identify anomalies, outliers and underperformance
- Preventive detection through monitoring of networks and individuals;
- Awareness raising, to empower the public and inform it about its right to resist arbitrary treatment;
- Reporting, to create complaint channels that can lead to concrete action and help punish violations and close loopholes;
- Deterrence, by disseminating information about reported cases of corruption;
- Promoting ethical attitudes through public engagement and online discussions.

Just as government-induced distortions provide many opportunities for corruption; it is also the case that frequent, direct contact between government officials and citizens can open the way for illicit transactions. One way to address this problem is to use readily available technologies to encourage more of an arms-length relationship between officials and civil society; in this respect the Internet has proved to be an effective tool to reduce corruption (Andersen *et al.*, 2011).

In some countries the use of online platforms to facilitate the government's interactions with civil society and the business community has been particularly successful in the areas of tax collection, public procurement, and red tape. Perhaps one of the most fertile sources of corruption in the world is associated with the purchasing activities of the state. Purchases of goods and services by the state can be sizable, in most countries somewhere between 5-10 percent of Gross Domestic Products (GDP), because the awarding of contracts can involve a measure of bureaucratic discretion, and most countries have long histories of graft, kickbacks, and collusion in public procurement. Therefore, more countries have opted for procedures that guarantee adequate levels of openness, competition, a level playing field for suppliers, fairly clear bidding procedures, and so on (Lopez-Claros, 2014).

Chile is one country that has used the latest technologies to create one of the world's most transparent public procurement systems in the world. Chile-Compra was launched in 2003, and is a public electronic system for purchasing and hiring, based on an Internet platform. It has earned a worldwide reputation for excellence, transparency and efficiency. It serves companies, public organizations as well as individual citizens, and is by far the largest business-to-business site in the country, involving 850 purchasing organizations. In 2012 users completed 2.1 million purchases issuing invoices totaling US\$9.1 billion. It has also been a catalyst for the use of the internet throughout the country (Lopez-Claros, 2014)

Lopez-Claros (2014) concluded that; with many of the measures discussed above aimed at combating corruption; the underlying philosophy is one of eliminating the opportunity for corruption by changing incentives, closing off loopholes and eliminating misconceived rules that encourage corrupt behavior. But an approach that focuses solely on changing the rules and the incentives, accompanied by appropriately harsh punishment for violation of the rules is likely to

be far more effective if it is also supported by efforts to buttress the moral and ethical foundation of human behavior.

2.4.2 Demand side Approach

Most developing countries including Namibia, the public sector is perceived as distant, corrupt and unaccountable, leading to a widespread crisis of legitimacy between citizens and the institutions that represent them. The link between citizen voice, transparency and accountability has been recognized in this context as the core of good governance and improved public sector performance. There is a growing consensus that working on the demand-side of curbing corruption is a critical dimension of governance reform, (Chene, 2008).

In the anti-corruption arena, stakeholders' interest for demand side approaches has primarily focused on the potential of civil society, including an independent media, local communities, NGOs, trade unions, interest groups, professional organizations and the private sector, in articulating the demand for greater accountability and control of corruption and fostering a dynamic system of checks and balances. Besides deterring corruption, citizen engagement is believed to yield additional benefits such as promoting greater ownership, inclusion, state responsiveness and in some cases, political empowerment. Demand side approaches ultimately seek to increase citizens' influence over policy development, public spending decisions, monitoring of public service performance and accounting for public expenditures with the view to demanding better public service outcomes. In doing so, mechanisms strengthening the demand for anti-corruption measures are meant to transform individuals - especially those from social groups that are traditionally excluded from government decision making processes - into engaged and organized citizens that have the knowledge and power to express demands and influence decisions that directly affect them through increased participation in governance processes.

Strengthening the demand side for anti-corruption measures includes a rich set of instruments such as awareness raising/lobbying activities, organized protests, participatory budgeting and monitoring of public services and expenditures, citizens' feedback mechanisms, capacity building initiatives, complaints mechanisms, etc. A wide range of channels and stakeholders can be envisaged to support closer state/citizens relationships, including the media, parliaments,

political parties, citizens' watchdogs, etc. The following examples illustrate the wide variety of interventions that are likely to build civic demand for curbing corruption (Chene, 2008).

- **A free press** matters to generate and support demand for good governance. Measures aiming at building the capacity of the media to investigate and expose corruption cases and, more broadly, to support the emergence of a free and independent media can contribute to galvanize public opinion and action against corruption.
- **Transparency of government processes and public access to official information**, are crucial to generate and support citizen demand for good governance and anti-corruption as it is not possible to mobilize for change without access to information. Only informed citizens can stand up for their rights and hold public officials accountable for their actions and decisions.
- **Decentralization and/or devolution of public** services has been used in many countries as a way to bring government closer to the people and improve local governance by making local governments more accountable to ordinary people and by providing space for citizen involvement in policy development and implementation (e.g. school/users management committees).
- **Participatory planning and budgeting** constitute critical forms of citizen engagement in decision making to ensure greater accountability and responsiveness of public policies. As “policies are only as important as the resources committed to them. Participatory budgeting processes ensure that citizens’ needs and priorities are reflected in budget allocations.
- **Community participation in service delivery**, aims at improving technical and allocation-related efficiency and promoting greater transparency and accountability of public service delivery. For example, “user committees” have proliferated in recent years, providing beneficiaries the opportunity to influence and monitor development projects through grassroots participation and empowerment.
- **Citizens’ feedback and monitoring of public services** provide key monitoring data and information enabling citizens to advocate for change and demand better public service outcomes. Participatory monitoring mechanisms can take many forms, including citizen report cards, social audits or participatory expenditure tracking.

By empowering citizens to express their demands, voice mechanisms play an important role in building the demand for public integrity. Countries where the press is free have a 70% chance of controlling corruption while countries without free press have only a 10% chance of doing so, (Kaufmann, 2007).

Improving knowledge on mechanisms to report corruption can also reduce the incidence of corruption; knowledge on procedures to report corruption not only reduces households' risk of being subject to bribery but significantly increases the quality of public service delivery by providing citizens with mechanisms to better articulate their opinions and increase civic responsibility (and ability to resist unjustified claims), (Chene, 2008).

Decentralization has been implemented in many developing countries as an attempt to strengthen accountability of the state to ordinary citizens by bringing governments closer to the people. As the effects of decentralization on corruption and government accountability are complex, findings of theoretical and empirical research have failed so far to clearly establish whether decentralized systems systematically lead to less corruption. However, there is growing evidence that demand side approaches such as access to information, media campaign, village meetings and other civic participation mechanisms contribute to reduce capture and improve local governance and accountability. In addition to monitoring and supervision by upper levels of governments, the extent of corruption within local governments is related to the availability of information to citizens concerning their entitlements as well as to the way local governments are monitored by the media, (Chene, 2008).

Rose-Ackerman, (1998) recommends a two-pronged strategy aimed at increasing the benefits of being honest and the costs of being corrupt, a sensible combination of reward and punishment as the driving force of reforms. There are number of complementary approaches that be used to reduce corruption, (Lopez-Claros, 2014).

2.4.3 Paying civil servants well

Whether civil servants are appropriately compensated or grossly underpaid will clearly affect motivation and incentives. If public sector wages are too low, employees may find themselves under pressure to supplement their incomes in “unofficial” ways. In less developed countries,

there is an inverse relationship between the level of public sector wages and the incidence of corruption, (Van Rijckeghem and Weder, 2001). This means the lower the wages of employees in public sector the higher the rate of corrupt activities.

2.4.4 Creating transparency and openness in government spending

Subsidies, tax exemptions, public procurement of goods and services, soft credits, extra-budgetary funds under the control of politicians, all are elements of the various ways in which governments manage public resources. Governments collect taxes, tap the capital markets to raise money, receive foreign aid and develop mechanisms to allocate these resources to satisfy a multiplicity of needs. Some countries do this in ways that are relatively transparent and make efforts to ensure that resources will be used in the public interest. The more open and transparent the process, the less opportunity it will provide for malfeasance and abuse. Collier (2007) provides persuasive evidence on the negative impact of ineffective systems of budget control. Countries where citizens are able to scrutinize government activities and debate the merits of various public policies make a difference. In this respect, press freedoms and levels of literacy will, likewise, shape in important ways the context for reforms. Whether the country has an active civil society, with a culture of participation could be an important ingredient supporting various strategies aimed at reducing corruption.

2.4.5 Cutting red tape

The high correlation between the incidence of corruption and the extent of bureaucratic red tape as captured by other scholars suggests the desirability of eliminating as many needless regulations as possible while safeguarding the essential regulatory functions of the state. The sorts of regulations that are on the books of many countries; for example, to open up a new business, to register property, to engage in international trade, and a plethora of other certifications and licenses are sometimes not only extremely burdensome but governments have often not paused to examine whether the purpose for which they were introduced is at all

relevant to the needs of the present. Rose-Ackerman, (1998) suggests that, “the most obvious approach is simply to eliminate laws and programs that breed corruption.”

2.4.6 Replacing regressive and distorting subsidies with targeted cash transfers

Subsidies are another example of how government policy can distort incentives and create opportunities for corruption. According to an IMF study (2013), consumer subsidies for energy products amount to some \$1.9 trillion per year, equivalent to about 2.5 percent of global GDP or 8 percent of government revenues. These subsidies are very regressively distributed, with over 60 percent of total benefits accruing to the richest 20 percent of households, in the case of gasoline. Removing them could result in a significant reduction in CO₂ emissions and generate other positive spillover effects. Subsidies often lead to smuggling, to shortages, and to the emergence of black markets. Putting aside the issue of the opportunity costs (how many schools could be built with the cost of one year’s energy subsidy?), and the environmental implications associated with artificially low prices, subsidies can often put the government at the center of corruption-generating schemes. Much better to replace expensive, regressive subsidies with targeted cash transfers.

2.4.7 Establishing international conventions

In a globalized economy corruption increasingly has a cross-border dimension, the International Legal Framework for Corruption Control is a key element among the options open to governments. This framework has improved significantly over the past decade. In addition to the Organization for Economic Co-operation and Development (OECD)’s Anti-Bribery Convention, in 2005 the UN Convention Against Corruption (UNCAC) entered into force, and by late 2013 had been ratified by the vast majority of its 140 signatories. The UNCAC is a promising instrument because it creates a global framework involving developed and developing nations and covers a broad range of subjects, including domestic and foreign corruption, extortion, preventive measures, anti-money laundering provisions, conflict of interest laws, means to

recover illicit funds deposited by officials in offshore banks, among others. Since the UN has no enforcement powers, the effectiveness of the Convention as a tool to deter corruption will very much depend on the establishment of adequate national monitoring mechanisms to assess government compliance.

Heinemann and Heimann (2006) have argued that a more workable approach in the fight against corruption may consist of more robust implementation of the anti-corruption laws in the 40 states that have signed the OECD's Anti-Bribery Convention. Governments will need to be more proactive in cracking down on OECD companies that continue to bribe foreign officials. In their efforts to protect the commercial interests of national companies, governments have at times been tempted to shield companies from the need to comply with anti-corruption laws, in a misguided attempt not to undermine their position vis-à-vis competitors in other countries. Trade promotion should not be seen to trump corruption control. Governments continue to be afflicted by double standards, criminalizing bribery at home but often looking the other way when bribery involves foreign officials in non-OECD countries.

2.5 The African Challenges

Mulinge & Lesetedi (2002) supports that; to provide a comprehensive explanation of the rampant corruption found in independent African nations requires a grasp of the integrative socioeconomic and political institutions that the colonizers established just before the granting of self-rule to facilitate the tightening of their grip on their former colonies. More specifically, three legacies of colonialism - the administrative technique of divide and rule, the administrative culture inherited from colonialism and the constitutional structures inherited at independence - are considered to have aided the entrenchment of corruption in post-colonial Africa.

2.5.1 The Administrative Practice of Divide and Rule

As outlined earlier, the administrative technique of divide and rule was utilized by some colonial governments as a tool for subduing and controlling indigenous populations. However, the practice outlasted active colonial rule to permeate the neocolonial state in the form of ethnicity (tribalism) and/or nepotism. Like their colonial counterparts, post-colonial African political leaders, upon realizing the political and economic utility inherent in the practice of divide and rule, have acted create superior and inferior tribes, (Lesetedi, 2002). They have tended to elevate their tribal group of origin to a 'superior' status by treating them as the favorite tribe (s). Such

ethnicity or tribalism has brought untold economic decay in some countries due to nepotism and other corrupt practices, such as embezzlement and economic mismanagement.

In many African countries, the effect of tribalism rooted in divide and rule practices is evident through the adoption of what Mulinge and Lesetedi (1998,1999) refer to as a "pastoral model" of economic management. The governments have systematically purged other groups from the most strategic economic positions by replacing them with unqualified but politically well-connected individuals from the rulers' own tribes, predominantly pastoral. The most common practice has been one in which an individual mismanages a particular organization to its bankruptcy before being transferred to mismanage another one. This is consistent with pastoral practices in which an area is grazed to the bare soil before moving to another area in the hope that the grass in the overgrazed area will regenerate naturally. The pastoral model of economic management in Kenya has catapulted the country into acute poverty, characterized by rampant unemployment, declining education and health care services, and recurring food shortages, among others.

2.5.2 The Administrative Culture Inherited from Colonialism

Another avenue through which the legacy of colonialism has been responsible for the perpetuation of corrupt practices, particularly among the higher echelons of political and administrative bureaucracies in sub-Saharan Africa, is the administrative culture inherited from colonialism (Mulinge and Lesetedi, 1998, 1999). The continuation of the 'African chief model' of administration, whose origin dates to the colonial period, is of particular significance in this regard. Colonialism, and especially British colonial rule, not only took advantage of the institution of chiefs but also created a particular legacy that was to accompany this institution. Colonial chiefs were expected to be authoritarian figures that could make quick, final decisions and keep order by commanding respect and even fear (Leonard, 1991). As Leonard (1991: 28) points out, they "were not notable for their respect for the niceties of law or due process, they were known instead for their decisiveness, courage, presence, and ability to hold a crowd". Unfortunately, for most of sub-Saharan Africa, the 'colonial chief model of administration did not disappear with the attainment of independence. After independence, African political leaders appear to have embraced and perfected this model. As Leonard (1991: 29) indicates, contemporary African politicians and administrators appear to have embraced the power structure associated with the colonial chief, despite its unpopularity during the colonial era, and adhere to "an only slightly softened version" of the colonial chief's role. Not only are these leaders associated with authoritarianism and a near total lack of respect for the law and due process, they also use their positions of power to amass illegal wealth just as the colonial chief did. The persistence of the colonial chief model of administration has facilitated the transfer and entrenchment of the corrupt practices associated with it into the post-colonial period.

2.5.3 The Independence Constitutions

The constitutional structures inherited at independence reinforced the role of the colonial chief model of administration in the perpetuation of corruption in most of sub-Saharan Africa. Upon realizing that it was impossible to maximize economic benefits from colonies while retaining direct administrative control, most colonial powers negotiated a transition to self-rule with nationalist leaders during the 1960s. Virtually all newly emerging African nations inherited constitutions drafted under the guidance of former colonial powers. These constitutions have tended to enhance corrupt practices through the centralization of power, impairment of participatory democracy and the facilitation of increased state control of economic activities. Also closely allied to the centralization of power is the persistent lack of political good will and commitment on the part of African leaders to fight corruption (Mulinge, 2002).

2.5.3.1 Centralized Power

The new constitutions vested enormous (absolute) powers in the hands of a single office, institution or individual, usually the presidency. The colonialists may not be blamed for the way these laws have been interpreted and applied but it would be rather naive to overlook their role in the drafting of such laws, some of which became subject to abuse by emerging African leaders and thus created environments conducive for the entrenchment of corruption (Mulinge and Lesetedi, 1998, 1999). As Mulinge and Lesetedi indicate, the outgoing 'strongmen' oversaw the emergence of laws that facilitated a continuation of the repressive practices they had subjected the colonized to only, this time, using a 'son of the soil' as their proxy. This gave birth to autocratic presidents and bureaucracies that are above the law; devoid of accountability, transparency, rule of law (Hope, 1997; Adedeji, 1991) and administrative predictability (Adamolekun and Bryant, 1994); and irresponsible (Adedeji, 1995). The failure by the new constitutions to cap the length of time one individual could be President compounded this situation further by allowing for the existence of 'for life' presidents. Their lengthy and uninterrupted stints in power have been accompanied by increased corruption, often shielded through unconstitutional measures. The trend does not seem to have been reversed by the introduction of two term limits on the presidency that has been born out of the clamoring for multiparty democracy that has swept across the continent since the 1990s.

The existence of overly powerful presidents has also been associated with the politicization of bureaucracies and the entrenchment of the use of personalism and patronage. To strengthen their grip on civil society, those occupying the presidency have tended to surround themselves with indispensable power brokers who are also not accountable to anyone. The 'President's men' are spread across the strategic institutions in the land and become trusted aides, wheeler dealers, political schemers and hatchet-men for high level corrupt deals that cost organizations, individuals and would be investors of huge sums of money (Hope 1997). As Hope indicates, these enjoy the same immunity as the President himself and this creates channels for the peddling of influence and authority and the abuse of public office for private and personal gain.

Through favoritism and nepotism, they influence the hiring, promotion and firing of employees and determine who is awarded government contracts, who is allocated which piece of land and who is licensed to operate what business, to mention but a few. This generates overall inefficiency in the bureaucracy (Alatas, 1990) and paves the way for negligence protected through favoritism or other influences.

2.5.3.2 Lack of Participatory Democracy

The concentration of power has failed to nurture the birth of a popular participatory democracy and to empower the press and civil society. According to Osoba (1996), participatory democracy is a necessary requirement in combating corruption. It facilitates the monitoring and holding to account of those in charge of the state and treasury. These segments of our society are the ones that have proven to be the trickiest to police in the war against corruption. Almost immediately after independence, most African countries moved to amend their constitutions to either strengthen one party dictatorship or to undermine the processes that are necessary for true democracies to emerge. As Hope (1997) points out, on top of their immense powers, those occupying the presidency hijack most formal bureaucratic organizations, such as the civil service, the legislature and the judiciary, and use or interfere with the powers and functions of government for private gain. While the civil service has become an extension of ruling parties, parliament has been reduced to acting as the head of state's rubberstamp (or handmaid of the executive government). Its core function has become the legitimization of the decisions of the executive branch. Independence for most countries thus meant a movement from an autocratic colonial government to 'presidential authoritarianism', lacking in parliamentary democracy. Thus, despite being a key institution for good governance, the parliamentary system of government based on the theory of the sovereignty of the people has, in practice, been non-existent in most African countries. In some instances, free and open debate in this institution has been equated to dissent and lack of patriotism.

The judiciary, on the other hand, has lost both its independence and ability to prosecute and give deserving sentences to those involved in corrupt practices. According to Rose-Ackerman (1999:151), a "politically dependent judiciary can facilitate high-level corruption. When the judiciary is part of the corrupt system, the wealthy and the corrupt operate with impunity, confident that a well-placed payoff will deal with any legal problems". The judiciary lacks the capacity for the objective general application of the rule of law in all cases brought before the courts. In a majority of cases it has to await consent from the Attorney General's office to prosecute cases of corruption and this is where most of the cover up takes place. Indeed, in many countries, the Attorney General has the powers to terminate cases without having to give any explanation. Furthermore, it is not uncommon for those under prosecution or convicted of corrupt practices to be accorded presidential pardon (Makumbe, 1994). The impotence of parliament and the judiciary are evident even in cases where humble evidence points to rising corruption and graft.

2.5.3.3 Lack of Political Good Will

A final constitutionally allied factor responsible for the entrenchment of corrupt practices in sub-Saharan Africa is the lack of political good will to fight the malaise. Although this may not be explicitly tied to the constitutional frameworks that govern most of Africa today, the association between the lack of political good will and the immense powers enjoyed by African political leaders and bureaucracies cannot be overlooked. The lack of political good will suggests that governments are not doing much to address the problem or are involved in half-hearted measures that are not meant to seriously tackle it. As such, the vice has continued to mushroom in our institutions and other areas of the society. The lack of good will and political commitment to stamping out corruption is reflected through the failure on the part of governments to enforce existing statutes and to prosecute those involved in corrupt practices. It also manifests itself through government opposition to the passing of anti-corruption bills, the formation of independent agencies on corruption and economic crimes, and the freeing of important institutions particularly the legislature and judiciary. (Lesetedi, 2002)

2.6 The Namibian Challenges

When one reads screaming headlines of high profile politicians being investigated by the Anti-Corruption Commission (ACC); then one think the ACC is up to its mission, but like in so many other cases they suddenly go cold, (Kaure, 2014). Kaure further states that; the recurrent criticism of the ACC is that it has hopelessly failed to deal with high profile cases giving a wrong impression that the Director-General and the Deputy Director-General are targeting only the low profiled citizens (Small-Fish) instead of high profiled Politicians (Big-Fish). However, he adds that; the establishment of the commission was and still remain necessary for Namibia, but the problem lies in the governance structure of the commission because the ACC is a commission without Commissioners (Board of Directors), thus it has an appointed director and deputy directors as if it was a directorate.

Gogiez (2015) believes that the commission was created as a result of a political manouevre to apparently eradicate corruption; but it has thus far shown to protect politicians and the politically connected. He concedes that, the ACC is one of the most powerfull and untouchable entities in Namibia. It does as it pleases, it decides who to investigate and charge for corruption, decides who not to investigate and charge for corruption and suprisingly it does not answer to anyone or any superior entity or overseer.

He further states that; the bone of contention is to determine who is corrupt, the Politicians who created the Anti-Corruption Commission for their own benefit or the ACC itself that has unlimited investigative discretion and is accountable to none. Gogiez adds that checks and balances are importants principles of democracy, but the ACC is unchecked and unbalanced. At least politicians can be reshuffled and be accountable once in a while, (Gogiez, 2015).

In addition, Kaure describes corruption in Namibia using an Indian folk tale about four blind men who are led to an elephant. Each positioned at different part of the animal. One feels the animal's leg, the other the tail, the third an ear and the last one the body. As a result each in turn describes what he has felt as a log, a rope, a fern and a wall. This is to say, "corruption in Namibia is like that elephant- it has taken root and spread its tentacles rather widely, therefore one person and his deputy would not be able to figure out what this animal really is". Some people may call it corruption and some may call it entitlement, affirmative action and/or black empowerment; but the bottom-line is to address the governance structure of the ACC on corporate governance codes of best practices.

In the same view both Kaure and Gogiez agrees that the ACC has the power and mandate to investigate anyone, but its reputation is undisputed in society that it goes after the small fish. In fact it has legitimized and allowed corruption to flourish because it appears that the rich, the powerful, the political elites and politically connected are exempted from ACC investigations, (Gogiez, 2015). In addition, Lister states that; "the problem is that as soon as governments accords the elite at an institution like the ACC with honourable status, fetes them and gives them top-class vehicles and all the perks of high political office and makes them part of the inner circles, top ACC officials will soon lose their appetite for uncovering and investigating corruption and the perceived or real independence of the ACC is also compromised in the process", (Lister, 2016). It is for this reason that whistle-blowers would feel uncomfortable giving confidential information to those who themselves are highly-connected individuals, consorting with the who's who of government and other agencies, state and otherwise, on a regular basis.

Therefore, it is only by its actions that the ACC will earn credibility among those who want to blow the whistle on corruption and most importantly the public at large, whose sceptism about the effectiveness of the ACC for the above mentioned and other reasons is already well-known (Lister, 2016). Lister (2016) adds that, the lethargy when viewed against the background of government reluctance to commit to openness and transparency, even in the face of stolen and mismanaged resources, which could effectively be deployed in fighting poverty, then the blame must lie squarely on the doorsteps of government and institutions such as the ACC who have constantly failed to stop the root of corruption. For example there has been a host of credible and well-documented instances of questionable behavior uncovered by the media but the ACC has failed to close down on these cases, such as the shenanigans around more than N\$ 21 millions on the Kora Awards, the Namibia Airports' Company and the Simana case, a Minister's stay in an upscale hotel that costed taxpayer over N\$ 1 million and the secretive North Korean munitions factory (Lister, 2016).

It is observed that, the ACC needs operational re-engineering to harness current opportunities on how to fight corruption in the global village by resorting to Information Communication Technology (ICT). For example it appears that the ACC is not even present on social media (twitter, facebook etc) and the ACC website has even been hacked, (Lister, 2016). Lister adds

that; if the ACC are simply sitting in their offices waiting for people to visit in person or complain via stamped addressed envelopes, which is government's preferred choice of communication, even in this digital age, then it further underscores why they are not in touch with what is happening in our world.

To conclude Lister state that the ACC need to put aside the pomp, circumstances, luxury vehicles and official functions; take distance from political leadership and move closer to the people; put on jeans and sneakers, and get down and dirty in the fight against corruption and be prepared to be unpopular in the circles of power. This is the only way forward for the hope that campaigns and the battle against corruption will be plausible and the scourge which is probably the most direct cause of the perpetuation of inequality and destitution among our people will be addressed (Lister, 2016).

2.7 Literature Analysis

By taking the definition of corruption into consideration as defined earlier by Okekeocha, (2013) and Wolfe & Gurgun (2000); it is imperative to state that when corruption happens two parties are involved, the demander and the supplier in terms of bribery and/or lack of integrity, accountability and transparency when power or trust is abused. Since this does not happen in public sector alone, but in private sector as well, the best alternative tool for fighting corruption could be the use of technology. Although technology does not fight corruption directly it can empower citizens, raise awareness and pressure authorities. It cannot change cultures, detect problems, propose solutions or amend laws; but people can. For example, people can use social media to report bribery cases from anywhere else in or out of the country without fear of victimization.

Another mechanism that could be used to reduce corruption is integrity training and public education need to be intensified training programs in areas of government or private sectors that are either life threatening or involves large sums of money or other amenities. For example, if patients form long queues or are maltreated at hospitals because Nurses or Doctors apply a corrupt bureaucratic system but yet protected by discretionary powers such employees should be able to be identified and held accountable for such actions. Therefore, these issues can only be known if there is a transparent system that allows defenseless poor people who uses public services regularly to report such unpleasant situations easily through social media.

Just like the Anti-Corruption Commission of Namibia, Quangos are arms-length bodies funded by government departments but not run by them. They are given power and paid for by government departments. The biggest challenge that quangos and agencies face is the cost of running such entities. For example most of these agencies grow too big to a point where the cost of running them outweighs their reasons for existence. For the anti-Corruption Commission of Namibia it is necessary to evaluate whether the expense of running the commission exceeds the benefits of preventing and reducing corruption, then if this is so, its existence will no longer be necessary.

The ACC was invented because most government departments do rather different jobs. One is to make policy about how the country should be run, as indicated by laws passed in Parliament. This is called administration. Their other task is to run or operate the policies in action. Agencies are invented to do the second type of task. They are supposed to do some practical job better than a government department could. Of course, if they fail, the fault is theirs, rather than the government department's fault.

Depending upon one's point of view, the separation of a quango from government might allow its functions to be more commercially exercised. Or else it might allow an elected minister to evade responsibility for spending public money. Quangos have been criticized as undemocratic, expensive and letting governments grow too big (Talbot, 2013).

The Times has accused quangos of bureaucratic waste and excess. In 2005 Dan Lewis, author of *The Essential Guide to Quangos*, claimed that many quangos were useless and duplicated the work of others. In a contrasting view, Talbot states that agencies or quangos are necessary and unavoidable tools for government to deliver services to the public. Therefore, the separation of powers is in reality a distribution and duplication of powers to ensure checks and balances against arbitrary exercise of power, and this is a legitimate and unavoidable cost of democracy. However, we should be thinking about why that is and how best we can manage agencies not focusing on how to get rid of them, which has proved far harder in reality than in rhetoric, (Talbot, 2013). This is another reason why the study focuses on how to maximize the effectiveness and efficiency of the commission in corruption reduction.

Talbot adds that there are political and managerial reasons on why we need agencies (ACC). Under the political spectrum political scientists have developed the idea of “loser’s consent”. This means that for democracy to function those parties and voters who lost elections have to agree to go along with the decisions of the winners. Therefore, a neutral public administration is required to represent a more universal and apolitical public interest that embraces both majority and minority. This creates what has been called a “conservator” role for public servants, sometimes having to defend public bodies against the inappropriate, illegal or unconstitutional exercise of political power, thus public servants have to be able to say both “yes, minister” and “no, minister” appropriately, (Talbot, 2013). A strong Anti-Corruption Commission prevents elected politicians from “getting their hands in the till” or interfering in individual tax decisions, tendering and procurement processes, manipulation and allocation of fishing quotas as well as dubious employment procedures to advantage or disadvantage other individuals. A related function of the Anti-Corruption Commission is to provide “checks and balance” within the policy making process within government. Just like all agencies, the ACC is often used as a means of bringing expert and/or independent opinion into decision-making processes, and in some cases even delegating some decision making processes to them. All agencies are created as a way of addressing the problem of diffuse accountability in ministries and service delivery units of various shapes, sizes and importance within departments because having a direct line of sight between ministries and various delivery bodies would improve the accountability of the latter to the former.

The managerial reason for having agencies is to ensure that agencies concentrate on the job to be done and adopt more flexible internal arrangements to achieve their aims. They would be freed from “one size fits all” constraints and give managers the freedom to manage, whilst be held tightly to account through performance targets and ring-fenced budgets, (Talbot, 2013). With regards to the ACC, similar arguments are advanced with reference to lack of the devolvement of the prosecution services of corruption cases from the judiciary to the agency itself. Therefore, creating more focused clearly defined organizations with clear remits, freedoms and responsibilities would enhance both accountability and efficiency and effectiveness of the Anti-Corruption Commission in prosecution.

As stated earlier an agency (ACC) is a corporate entity; and corporate governance is about the way power is exercised over corporate entities. Therefore, every corporate entity should be run and be monitored by a competent board in relationship with shareholders and those running the enterprise, external auditors, regulators and other legitimate stakeholders, (Mallin, 2013).

Since the Anti-Corruption Commission is run by the Director-General and the Deputy Director General this means other elements that serve as pointers of good governance practices are omitted or neglected in the governance of the Anti-Corruption Commission of Namibia. This puts the operational effect of the Anti-Corruption Commission in disrepute. Others may argue that it is for this reason that the big-fish-small-fish dilemma exists, because if the ACC functions without the in-puts of a board, external auditors, regulators and other legitimate stakeholders then there is a possibility of a rife principal influence in decision making on whom and what to investigate when corruption cases are reported to the agency. For the sake of public interest how can one know whether the agency and principal are not in cohorts to defraud public funds or target opposition parties when none of them have access to first-hand information on the activities of the commission? Since the ruling party enjoys the lion's share of representation in parliament so is their appointing power of who should run the ACC. Therefore the current status quo at ACC rests only on trust and good faith of the head of commission but not on any codes of good corporate governance practices.

In addition, stewardship theory sees directors' legal duty as to their shareholders, not to themselves, nor to other interested parties. This allows us to ask ourselves few questions since the shareholders in this case of the Anti-Corruption Commission of Namibia are the appointing authority (The Head of State and Parliament). For example, what will the head of the agency do when the Head of State or a High Ranking member of parliament is implicated in a corruption scandal? To answer this question Lord Cains (1874) once said "no man, acting as agent, can be allowed to put himself into a position in which his interest and his duty will be in conflict". This literally means instead of rocking the board or biting the hand that feeds you one has to choose the easier way out, that is, neglect one's duty and serve the master (the one with the hiring and firing powers).

When considering a managerial and class hegemony perspectives on corporate governance; directors of some companies sees themselves as elite groups, therefore, top management appointments ensures that newcomers fit into that elite and sustain its image and new independent directors are likely nominated and appointed only if they sustain the dominance of the ruling group, (Tricker, 2012: p.68). Therefore, one may argue that the appointment of top management at ACC might be based on this premise, and if this is so; it nullifies the main purpose of the agency's existence. In order to foster a credible organization with a good public image the involvement of the board members, external auditors, regulators and other legitimate stakeholders is advisable.

The effectiveness and efficiency of an anti-corruption commission depends on the core role of the agency and on the code of best practices of corporate governance. Emphasis should be placed on constituting a large and well knowledgeable prevention department with a small investigation department, keeping in mind that prevention is better than prosecution. Political support should not only be from the country's Head of State but it should include support from members of parliament including opposition parties because the agency should not be used to intimidate other citizens from becoming useful watchdogs of corrupt activities. Although there is a thin line between political support and political independence, political and operational independence is needed to investigate the highest levels of government. Other nations that have been successful in reducing corruption in the world like Singapore has reported a high number of arrest of corrupt senior government officials and parliamentarians as compared to Namibia where investigated parliamentarian are either acquitted or the missing funds are unaccounted for; such as the "GIPF and Social Security sagas", (New Era, 2013).

Furthermore, accountability is critical to the agency, therefore it requires that the agency have significant powers of investigation, prosecution, deterrence and independent of political parties and government leaders. Although in Namibian context the agency does not prosecute independently but relies on the efficiency and effectiveness of the Prosecutor General and this has caused some delays and even some unfavorable prosecution outcomes in most corruption related cases.

In conclusion, the appointment procedures of the Heads of the agency need to address the issue of whether the proposed mechanism sufficiently insulates the process to ensure that persons of integrity are given the leadership and that they are protected from political pressure. Pope and Vogl (2000) stated that, anyone can head an Anti-Corruption Agency but not the hand-picked supporters of politician in power because such leaders cannot be relied upon to rock the boat at worst moments but could be used to intimidate political opponents. Therefore, a board, external Auditors, regulators, and other legitimate stakeholders should be constituted to enhance effectiveness the management and efficiency of the operations of the commission.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter covers the research design; under which the type of research methodology and the philosophy of the study are outlined. It includes an elaboration on population target, sample size, research instruments and the processes which are indispensable in the carrying out of the study.

3.1 Research Design

This is an empirical qualitative case study where both primary and secondary data were used. The primary data were gathered through participant observations, semi-structured interviews whereas secondary data were gathered from journal articles, reports, textbooks etc... An empirical qualitative case study was chosen for the study because it enabled the researcher to provide an in-depth description of the phenomenon under study. Furthermore, it gave the researcher opportunities to analyze data in both textual and numerical format. In addition, a qualitative case study was more suited for this research because it allowed for an inductive approach to reasoning where no hypothesis were required, a high construct validity, in-depth insights and established rapport with research subjects.

The study is based on a Social-Constructionism philosophy where human interests are the main drivers of the study. Explanations derived from rich data of which ideas are induced are aimed at increasing general understanding of the phenomenon under study. Furthermore, the concepts used in this study include stakeholders' perspectives with complex units of analysis. In addition, generalization is done through theoretical abstraction after a careful analysis of data obtained from a small sized sample which is chosen for specific reasons.

3.2 Population of the study

The research targets a population of 45 employees from different hierarchies of the organizations such as Anti-Corruption Commission (ACC), Institute for Public Policy and Research (IPPR), Office of the Prosecutor-General (OPG), and the Namibian Institute of Democracy and the

Hanns Siedal Foundation (NID & HSF). All these various institutions have special stake in anti-corruption activities. For example, the ACC tries to reduce corruption through public education, awareness, investigation and corruption prevention, the IPPR was founded in 2001 to deliver independent and constructive research on social, political, and economic issues that affect development in Namibia. The IPPR currently has three focus areas: democracy and governance program, public policy analysis program, and a public opinion program. The IPPR undertakes budget analysis at the national level which makes it a credible institution to assess the capacity of Anti-Corruption Commission in the fight against corruption. Furthermore, the Prosecutor General prosecutes all the cases that the ACC report to the Prosecutor General's Office, whereas both Namibia Institute for Democracy and the Hanns Siedal Foundation are a collective group of institutions that focus on different areas such as democracy, anti-corruption, political education, peace and development amongst others areas.

3.3 Sampling

The research focused on stratified purposive sampling to collect data. Therefore, each institution that participated in this case study formed a stratum which was more homogeneous than the rest of the population. Furthermore, each stratum was divided into four different sub-stratum that include different hierarchies of each participating institutions such as; non-management, lower-level management, middle-level management and upper level management. This gave each level of management in each organization a fair representation in the study. The sample size includes forty-five participants in total. The reason for choosing stratified purposive sampling is that each stratum is independent of other strata; this allows the researcher to have an objective view on the phenomenon under study.

The table below shows an outline of the targeted population and the sample

Institutions	Population	Sample size
ACC	20	13
OPG	9	4
IPPR	7	3
NID & HSF	9	4
Total	45	24

3.4 The research Instrument

The researcher used semi-structured interviews to obtain data from the participants. Firstly, consent was obtained from the heads of the participating institutions in this study. The semi-structured interviews conducted in form of written questionnaires that were handed to participants.

3.5 Data Analysis

Data was analyzed using content analysis. Moreover, both tables and figures were used to transform qualitative data into quantitative data. The quantified numerical data obtained from frequency tables were presented on either bars or pie charts; from which a summary was made and conclusions were drawn.

3.6 Ethical Considerations

It is worth noting that all data collected in this study was meant for the purpose of this academic research only, and was not used or distributed to anyone without the consent of the involved parties. The data collected has been kept in a secure place at the International University of Management and will be available on request by the involved parties. Therefore, the researcher would like to thank all the participants and institutions for their valuable contributions. Participants were also required to fill in individual consent forms.

CHAPTER FOUR

DATA ANALYSIS

4.0 Introduction

As outlined in research methodology, data was collected from four different institutions; these are: the Anti-Corruption Commission (ACC), Office of the Prosecutor General (OPG), House of Democracy (Namibia Institute for Democracy (NID) & Hanns Siedal Foundation (HSF)) and Institute for Public Policy and Research (IPPR). Due to time, financial constraints and other challenges only 51.1% of the initially targeted population was reached during the study. Although the targeted participants were purposively sampled; some participants felt that they either had little or no knowledge on the subject matter; therefore they opted to abstain from participation. Despite assurance of confidentiality and obtaining of consent from supervisors; and among other challenges; some participants were either too busy to complete the questionnaire, and some deemed the topic too sensitive which could lead to victimization if identified.

Part I:

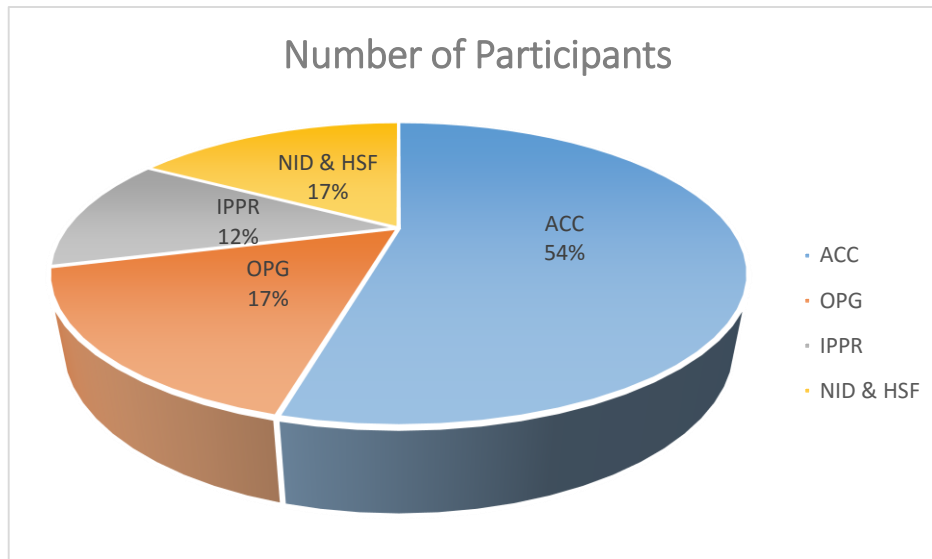
4.1 Demographic Data

Despite the above-stated challenges at least more than 54% of data collected represents participants of the institution under study the Anti-Corruption Commission (ACC). In addition, close to 17% represents the Office of the Prosecutor General (OPG), and 13% represents the Institute for Public Policy and Research (IPPR). Lastly, another 13% of data collected is from the Namibia Institute for Democracy (NID) and the Hanns Siedal Foundation (HSF). (*See table 1A below*).

Table 1A: Total number of Participants per institutions

Institutions	Number of Participants	Percentage
ACC	13	54%
OPG	4	17%
IPPR	3	13%
NID & HSF	4	17%
Total	24	100%

Figure 1A: The pie chart showing the different strata and percentages of participants who took part in the study



To ensure evenly distributed demography at all levels; Participants on various management levels were considered in this study. Strata of upper to middle and lower to non-management levels were formed. Secondly, equal gender representation was also given a high priority in cases where possible. (See table 1b & 1c below).

Table 1B: Participants Management levels

Institutions	Management levels								Total	%
	Upper	%	Middle	%	Lower	%	None	%		
ACC	1	8%	5	38%	1	8%	6	46%	13	54%
OPG	0	0%	3	75%	0	0%	1	25%	4	17%
IPPR	0	0%	0	0%	0	0%	3	100%	3	13%
NID & HSF	0	0%	3	75%	0	0%	1	25%	4	17%
Grand Total	1	4%	11	46%	1	4%	11	46%	24	100%

The Anti-Corruption Commission had more than 46% representation of participants between upper to middle management and close to 53% serve in either lower management level or non-management level. In the same way, 46% of these participants were males and 53% were females. The Office of the Prosecutor General was represented by 75% participants in upper and middle management while 25% were within lower to non-management members. Among these participants 50% were males and 50% were females. Unfortunately, the Institute for Public Policy and Research could only be represented by non-management and the majority of these participants were females that represented 66.7%, while 33.3% were males. Lastly, the Namibia

Institute for Democracy and Hanns Siedal Foundation were represented by 75% of participants in upper to middle management and 25% in lower to non-management representation, and still majority of these were Females who represented 75% while 25% were males.

Figure 1b: A bar chart showing percentages of participants from different institutions at different Management Levels

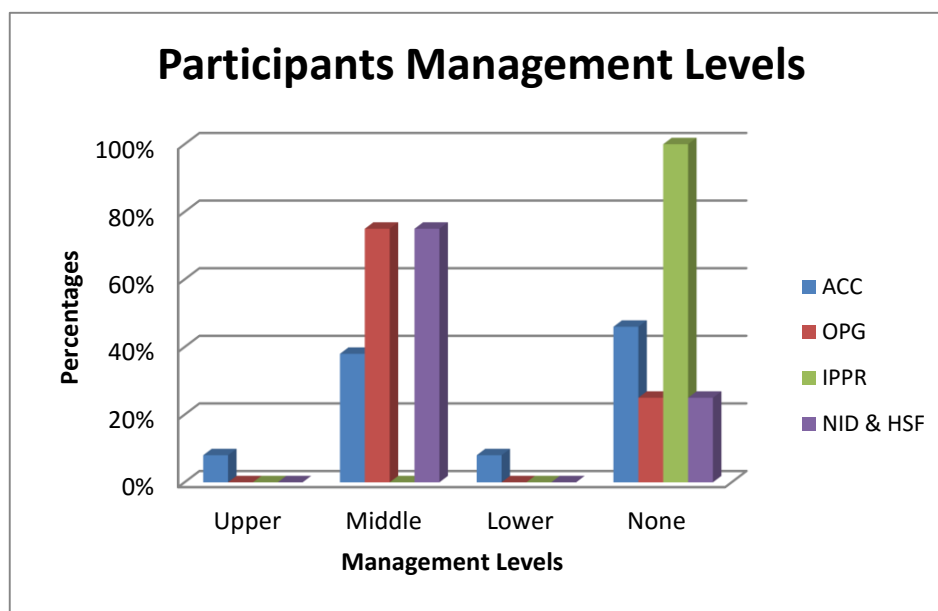
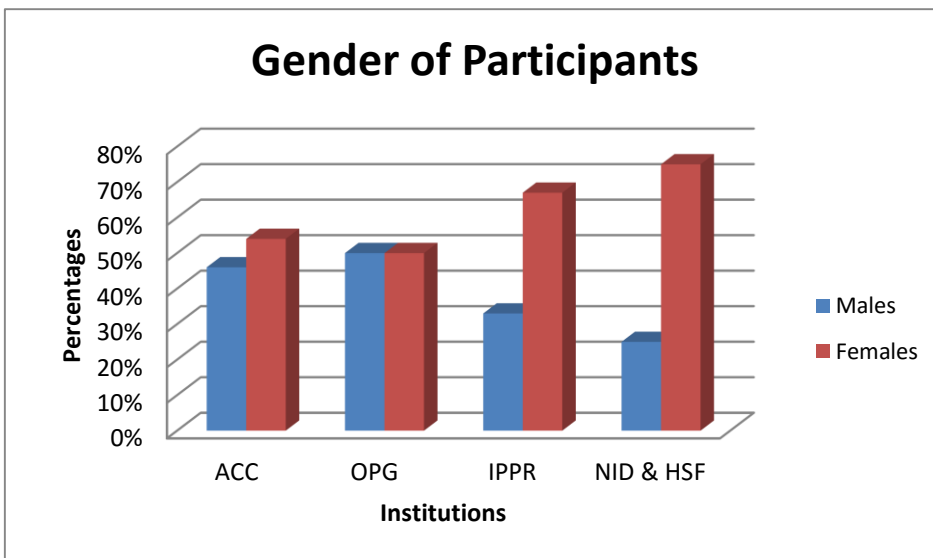


Table 1C: Gender of Participants

Institutions	Males	%	Females	%	Total	%
ACC	6	46%	7	54%	13	54%
OPG	2	50%	2	50%	4	17%
IPPR	1	33%	2	67%	3	13%
NID & HSF	1	25%	3	75%	4	17%
Grand total	10	42%	14	58%	24	100%

Figure 1c: A bar chart showing percentage and gender of participants from the four institutions that participated in the study



Part II:

4.2 General Information

4.2.1 Participants' perception on the work of the ACC on corruption reduction

As illustrated on *table 2A* below; an equally distributed perception on the work of the Anti-Corruption in relation to corruption reduction was observed as being GOOD, MODERATE and ROOM FOR IMPROVEMENT. Each of these segments scored an over-all total of 33.3% while EXCELLENT registered a Zero percentage (0%). Using the balance of probabilities, it can be concluded that the Anti-Corruption Commission's efforts on corruption reduction is moderate, rather than good or poor.

By analyzing data within each stratum (ACC, OPG, IPPR, NID & NSF), it is observed that the participants from the Anti-Corruption Commission perceive their work on corruption reduction has being good with a score of 54% on balance of probabilities in comparison to moderate and room for improvement that scored 23% each.

Contrary to ACC's perception is the Office of the Prosecutor General whose score on room for improvement is 50% and 25% each, on "Moderate and Good" with regards to corruption reduction. Similar observations were also apparent from the Institute for Public Policy and Research where the majority of 66.7% agreed that the Anti-Corruption Commission still require room for improvement when it comes to corruption reduction, and the remaining 33.3% thought that corruption reduction in Namibia is moderately addressed. Namibia Institute for Democracy

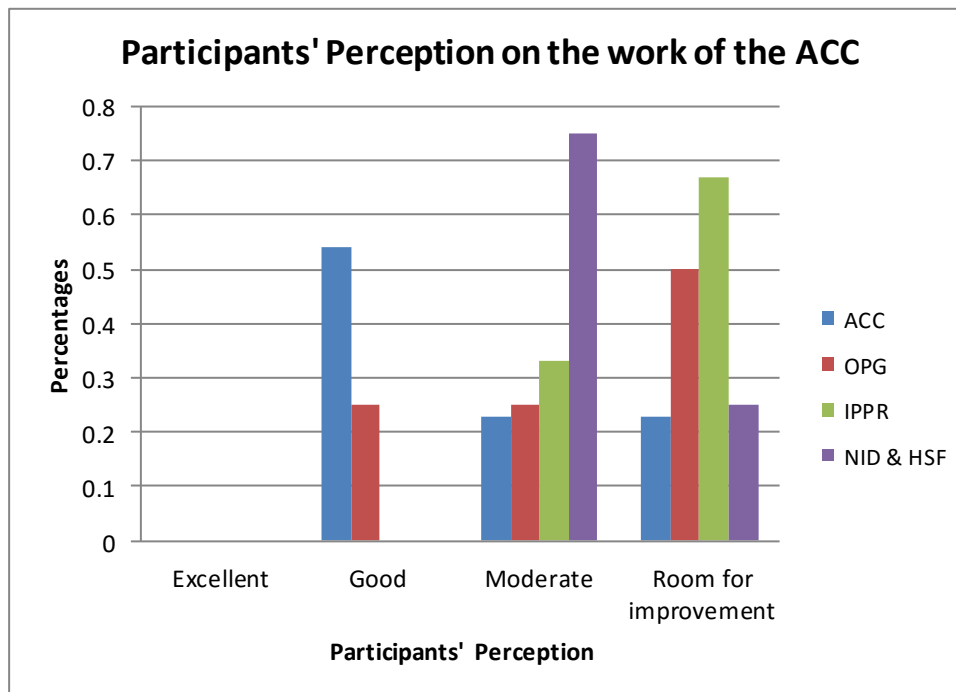
and the Hanns Siedal Foundation perceived corruption reduction as being moderately addressed by a score of 75% with the remaining 25% representing room for improvement.

Apart from findings from the Anti-Corruption Commission it shows that all the partner institutions in fighting corruption on average are in unison and shows damning evidence of corruption reduction as not being well addressed in Namibia.

Table 2A Participants' Perception on the work of the ACC

Institutions	Participants' perception on the work of the ACC on corruption reduction									Total	%
	Excellent	%	Good	%	Moderate	%	Room for improvement	%			
ACC	0	0	7	54%	3	23%	3	23%	13	54%	
OPG	0	0	1	25%	1	25%	2	50%	4	17%	
IPPR	0	0	0	0%	1	33%	2	67%	3	13%	
NID & HSF	0	0	0	0%	3	75%	1	25%	4	17%	
Grand total	0	0	8	33%	8	33%	8	33%	24	100%	

Figure 2a: The bar chart showing the percentages of participants' perception on the work of the ACC



4.2.2 The successes and failures of the three pronged approaches of the ACC

Table 2B below shows a careful assessment of the Anti-Corruption Commission's three pronged approaches in fighting corruption. It shows the participants' view through a comparison of both

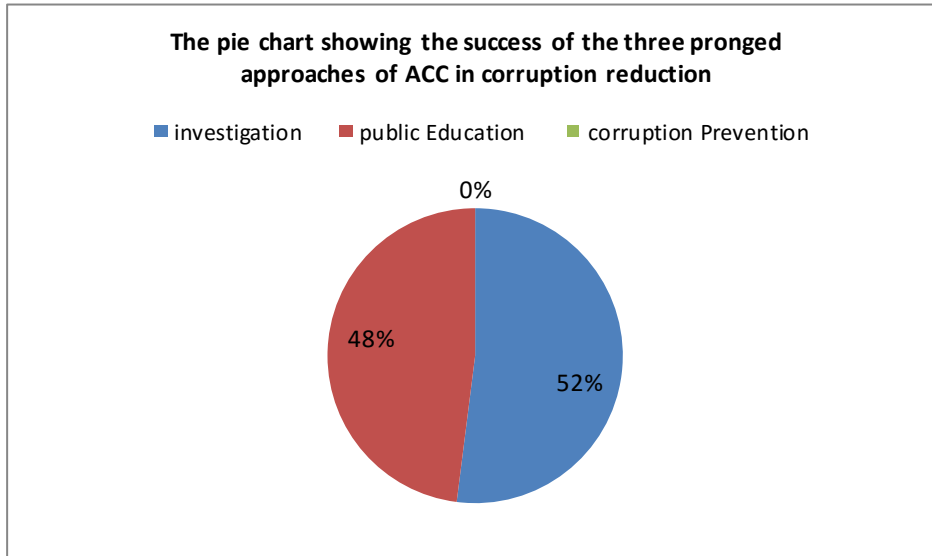
the successes and failures of investigation, public education and corruption prevention directorates of the commission.

Table 2B: The showing the Success and Failure of the three pronged approaches of the ACC

Institutions	Success				Failure			
	Investigation	Public Education	Corruption Prevention	Total	Investigation	Public Education	Corruption Prevention	Total
ACC	6	6	0	12	4	3	5	12
OPG	2	1	0	3	1	1	1	3
IPPR	1	2	0	3	2	0	1	3
NID & HSF	2	1	0	3	0	2	0	2
Grand total	11	10	0	21	7	6	7	20
Percentages	52.4%	47.6%	0%	100	35%	30%	35%	100%

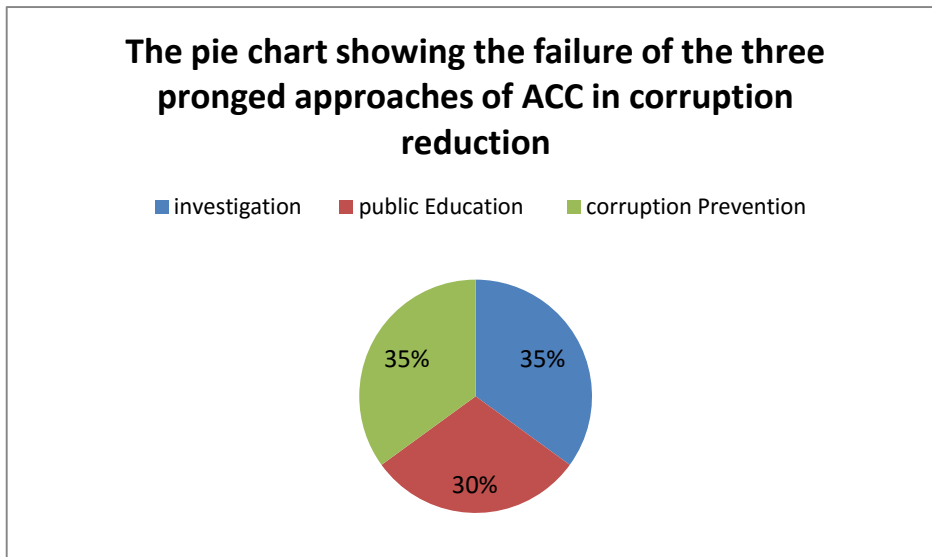
The over-all result shows that investigation is one of the most successful approaches of the commission with 52.4%, followed by public education with 47.6% and corruption prevention with a zero percent (0%). By stratification it shows that the ACC rates both public education and investigation successes equally with a 50% each. The Office of the Prosecutor General agrees with the Anti-Corruption Commission's findings that investigation is more successful than both public education and corruption prevention by 66.7%. Similar results are shared by the Namibia Institute for Democracy and the Hanns Siedal Foundation. Contrary to that; the Institute for Public Police and Research disagrees by the same later margin and points out that public education is the most successful approach of the Anti-Corruption Commission.

Figure 2b (I) show the percentages of each of the three approaches' contribution to the success of the ACC



Therefore, on the balance of probabilities it shows more institutions believe that investigation is the most success approach. So, there is a need to devise new approaches in both public education and corruption prevention.

Figure 2b (ii) show the percentages of each of the three approaches' contribution to the failure of the ACC



With regards to the failure, majority agrees that both investigation and corruption prevention has an equal share of the blame on the failures by rating public education as the list contributing approach to the weaknesses of the commission. However, within the commission itself a though assessment shows that corruption prevention carries 41.6% of the blame, whereas both

investigation and public education carries 33.3% and 25% of the blame respectively. The Office of the Prosecutor General shows an evenly distributed share of the blame across all the approaches of 33.3%. Observations based on data collected from the Institute for Public Police and Research shows that investigation needs improvement followed by corruption prevention, although this contradictory to the finding from the Namibia Institute for Democracy and the Hanns Siedal Foundation which points with a 100% blame on public education.

4.2.3 Re-dressing Statutory Obligations

To ensure efficiency and effectiveness of the Anti-Corruption Commission certain current statutory obligations need to be examined. Among other factors the governance and the structure of the organization, the political will and political involvement, the leadership and the operations of the organization and many more factors need to be assessed.

In order to assess the leadership factors, the current statutory obligation that allows the Anti-Corruption Commission to be headed by a single director who reports to the appointing authority (Parliament) was tested against other factors. These factors include finding out whether the Anti-Corruption Commission should be governed by board of directors, report to the Head of State or Office of the Prime Minister (current status quo), report to a board of directors, to have political parties serving on the anti-corruption commission board, and to have various stakeholders serving on anti-commission board.

Table 2C: Re-dressing Statutory obligations to improve efficiency and effectiveness of the ACC

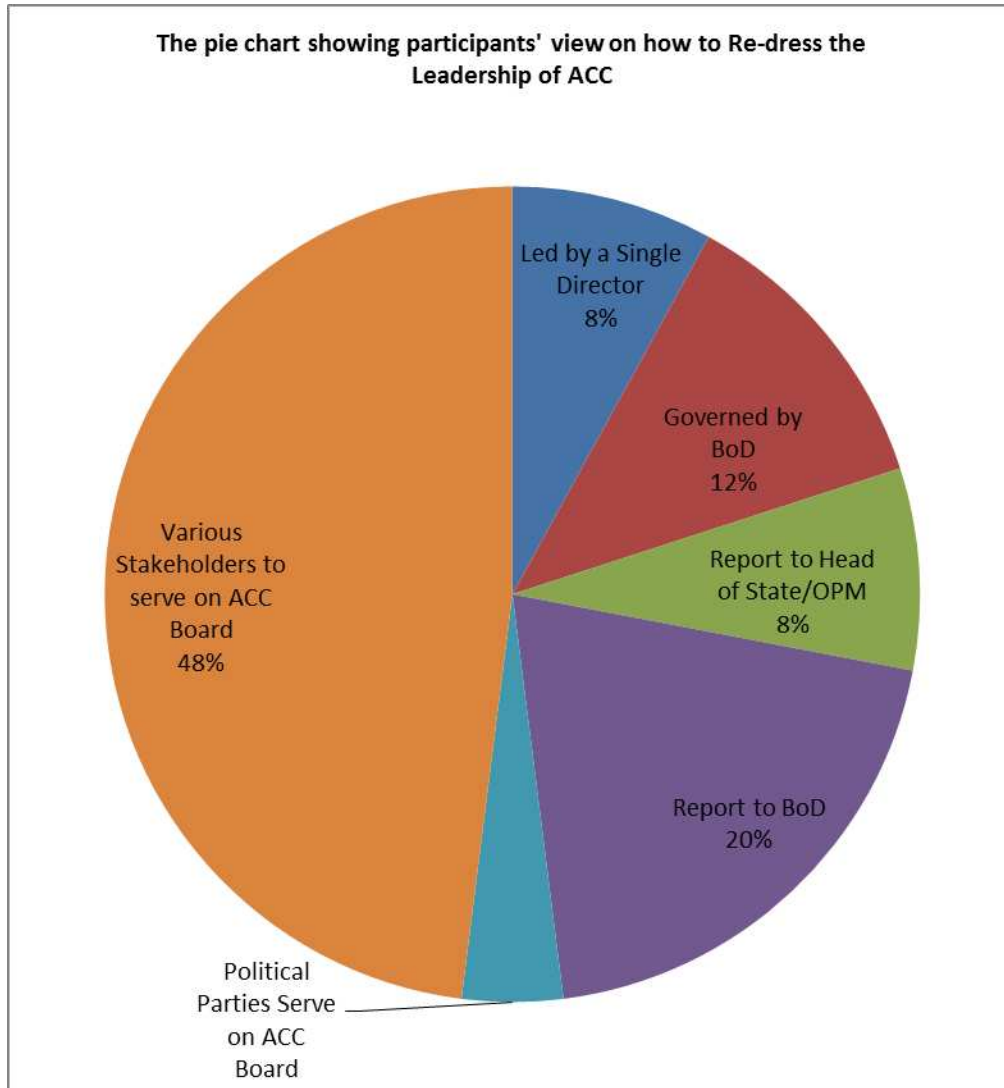
(a) Leadership of the ACC

Institutions	ACC need to:						Total
	Be led by a single Director	Governed by Board of Directors	Report to the Head of State/OPM	Report to a Board of Directors	Political parties serve on ACC board	Various Stakeholders Serve on ACC board	
ACC	2	3	1	4		6	16
OPG				1		2	3
IPPR						2	2
NID & HSF			1		1	2	4
Grand Total	2	3	2	5	1	12	25
Percentage	8%	12%	8%	20%	4%	48%	100%

Table 2C (a), depicts an overwhelming outcome that does not support the current status quo on how the Anti-Corruption Commission is led. This means majority of the participants do not support that the Anti-Corruption Commission should be led by a single director or neither the

single director to report to his appointing powers as this will obscure his objective judgement when it comes to investigating corrupt cases levelled against his master.

Figure 2c (a): A pie chart illustrating participants' views on the Leadership and Governance of the ACC



Contrary to the current status quo, the factor that enjoyed prominent support from the participants is the issue of having various stakeholders serving on anti-corruption commission board. Subsequently, the second best option was to have a single director to report to a board of directors that is without political office bearers serving on it. Despite the two favorable factors scoring an over-all of 48% and 20% respectively and with the least favorable and second least scoring 4% and 8% respectively; it seems that the second least favorable which is “the ACC to be led by a single director” had support within the ACC stratum. One may conclude that some participants feel that it is convenient for the institution to operate under one director than a board; because at times swift actions need to be taken when in pursuit of perceived corrupt

perpetuations. Within the other strata; the Institute for Public Policy and Research, Office of the Prosecutor General and Hanns Siedal Foundation had an overwhelming majority in support of the introduction of the various stakeholders to serve on ACC board with 100%,75% and 50% respectively.

To assess the operations of the Anti-Corruption Commission, the operational factors that examines the prosecution process, the investigation, and the usage of the financial resources were addressed as shown on table 2C (b) below.

(b) Operations of the ACC

Institutions	Prosecution on ACC cases by PG	ACC independent Prosecution team on ACC cases	ACC independent external Auditors	ACC internal Auditors	Referral to PG on ACC cases to discretion of ACC Head	Referral to PG on ACC cases by ACC Internal Investigating team	All investigate cases referred to PG	All investigated cases referred to ACC Independent Prosecution Team	Total
ACC	2	6				1		4	13
OPG		2				1		2	5
IPPR		1	2						3
NID & HSF	1		1				1	2	5
Grand total	3	9	3			2	1	8	26
Percentage	11.5%	34.6%	11.5%	0%	0%	7.7%	3.4%	30.8%	99.5%

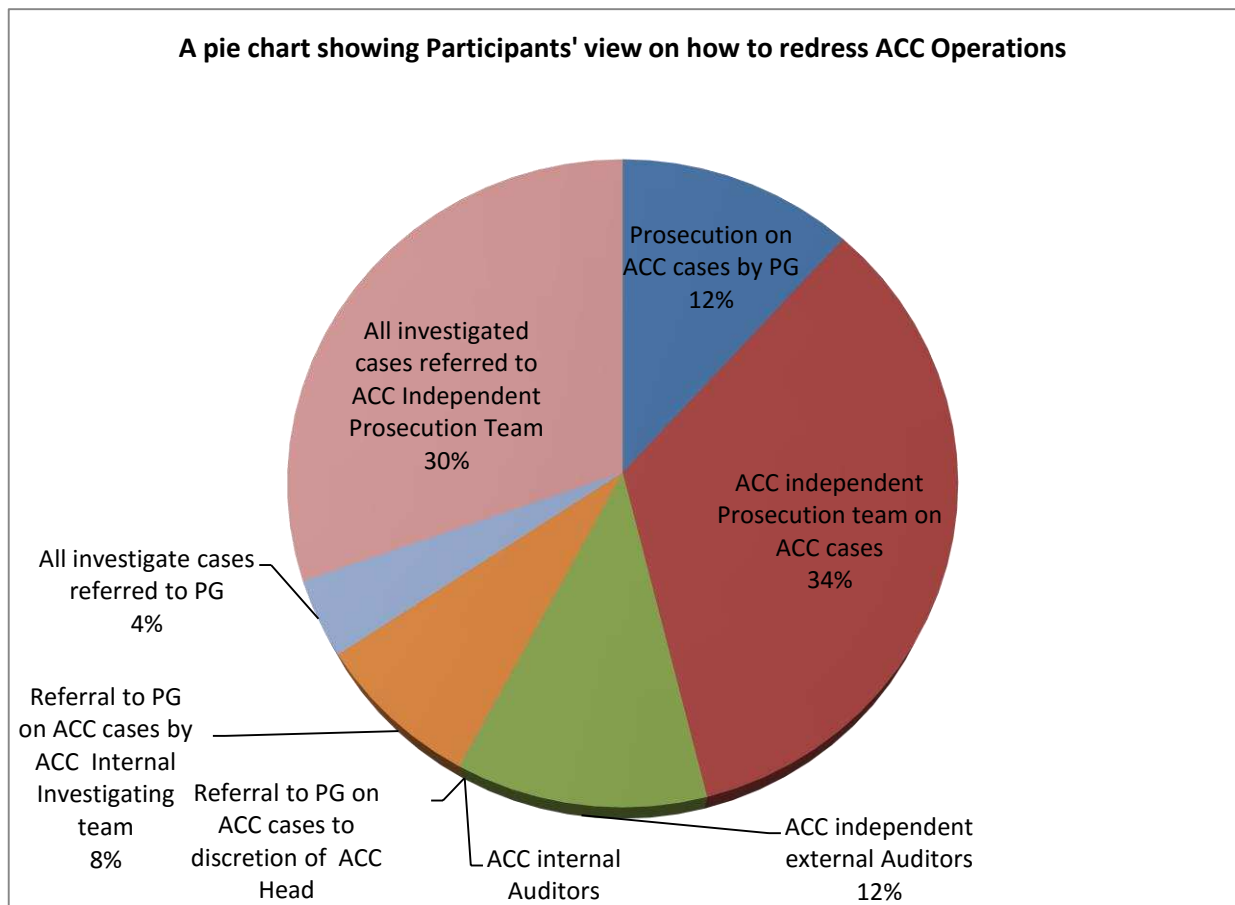
The current status quo allows or has allowed the Head of the commission to use his discretion and/or based on the merit of the case to decide whether the case should be referred to the Prosecutor General for prosecution. Although the prosecution on Anti-Corruption Commission cases by the Prosecutor General was agreed by participants as the third best favorable option by a score of 11.5% amongst nine other options; its current partner (*referral of ACC cases to the prosecutor general to the discretion of the ACC Head*) recorded the least favorable option with a zero percent (0%) score.

This means the prosecution of ACC cases by the Prosecutor General may have some degree of relevance in improving the operations of the commission, but the discretionary powers of the ACC Head on cases to refer for prosecution hampers the effectiveness of the operation of the agency because it is believed that monopoly of power plus discretion on important decisions leads to corruption (Klitgaard, 2008). Lord Acton once cited that; “Power tends to corrupt and absolute power corrupt absolutely”. In other words Great men are almost always bad men, even when they are trying to exercise influence instead of authority (Acton, 1881). This and other factors

prove that the ACC’s reputation will gain momentum if there are collaborative efforts within the ACC to discuss on corruption cases when referral to the Prosecutor General is done.

The majority across the different strata agreed that Anti-Corruption Commission cases should be prosecuted independently and all investigated cases should be referred to the Anti-Corruption Commission’s independent prosecution team for further scrutiny and deliberation before prosecution is granted, and both these factors received 34.6% and 30.8%; and rating first and second favorable conditions respectively.

Figure 2c (b): A pie chart participants’ view on how to re-dress the operations of the ACC



4.2.4 The Political influence on the Anti-Corruption Commission

Examining the political landscape is the first step to ascertain the independence of the Anti-Corruption Commission as well as to determine whether there is a strong Political Will to abate corruption. Despite a stable political environment 69.6% of the total participants feel that the political landscape has a negative influence on the work of the Anti-Corruption Commission (*see table 2D below*).

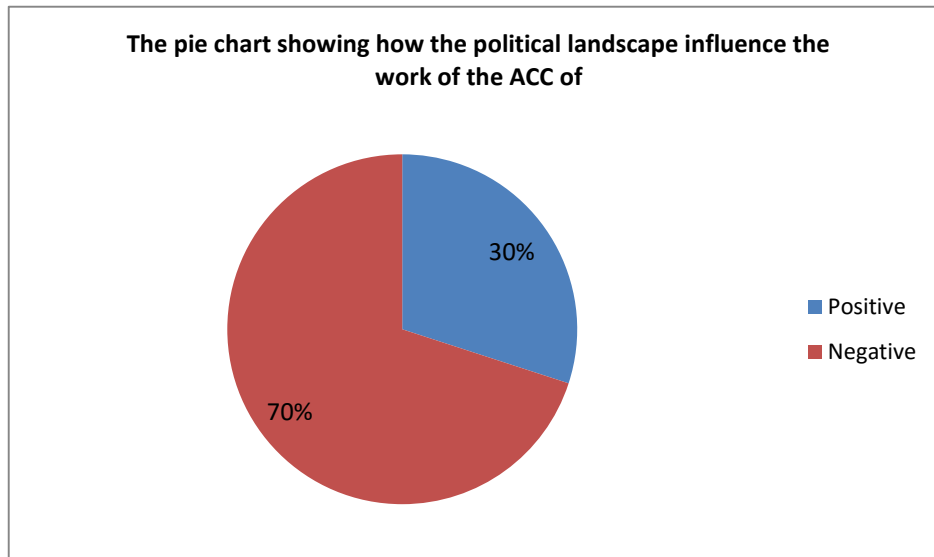
Table 2D: In what ways does the political landscape influence the work of the ACC

Institution	Positive	Negative	Total
ACC	5	8	13
OPG	2	2	4
IPPR		3	3
NID & HSF		3	3
Grand total	7	16	23
Percentages	30.4%	69.6%	100%

Sometimes decisions to investigate corruption cases are influenced by the individuals' political connection or affiliation. There is a general feeling that, there is nothing about politics that is fairly independent; the ACC need to be fair, transparent and independent from any sort of influence. There have been constant denunciations by politicians of corruption and to date there has been no overt moves to influence decisions on which cases to prosecute as well as the outcome of prosecution. Another concern is that, politicians are not willing to testify against each other and do not care much about the effect of corruption, they believe corruption is an empowerment scheme or policy, i.e. the Black Economic Empowerment Policy. Some of the biggest challenges are that most appointments are based on non-professional criteria and political party loyalties, personal relationships are often divisive factors in appointments. It is important to take note that corruption undermines the legitimacy of governments and democratic principles and values.

Apart from the current criticism by parliamentarians some few participants believes that the political influence on the operational work of ACC has been relatively low. In most cases these criticisms resurface when the politicians are subjects of investigations. By deductive reasoning it appears that it is for this reason that no overt decisions are taken thus far on cases where a politician was investigated. Another concern raised was that; the Director-General is a political appointee; therefore, he will not feel comfortable investigating his own Masters, instead he plays according to the rules of the ruling party or the appointing authority. This justifies what Lord Cains, (1874), stated that; 'no man, acting as agent, can be allowed to put himself into a position in which his interest and his duty will be in conflict'. Just like any other man, "instead of killing the goose that lays the golden eggs, you rather let it breed".

Figure 2d: A pie chart showing the how the political landscape influence the work of the ACC



Majority of the participants believes that the political landscape has a negative influence on the work of the Anti-Corruption Commission.

4.2.5 What are the benefits of not mandating ACC Prosecution Powers

One of the reasons why the ACC is not mandated to prosecute is the issue of separation of powers. If the investigation authority prosecutes its own cases most decisions will be unduly influenced because investigators become too attached to the perpetrators during the investigation period, so an independent prosecution body will have a case management freedom or independence. Furthermore, having a separate entity to prosecute creates an opportunity for specialization and a high degree of expertise is harnessed. This will also create an opportunity for checks and balances on the two separate institutions.

In addition, having an independent Anti-Corruption Commission Prosecution team will expedite prosecution process of ACC cases, the challenge is that the current independence status of the Anti-Corruption Commission is still questionable; which means this will still influence the outcome of the prosecution process unduly, because it will lack in transparency and vote of confidence. One of the seatbacks of not mandating the Anti-Corruption Commission powers to prosecute is the creation of greater administrative cost on the Office of the Prosecutor General. This creates a slow action against corruption cases which results in bad reputation on the image of the Anti-Corruption Commission. Furthermore, the shortage of prosecutors delays the prosecution of Anti-Corruption cases, in some cases the malfunctioning of the Office of the Prosecutor general reflects as that of the commission to the public. For example ill-trained prosecutors will lose cases of corruption nature after a thorough investigation. Another factor is

that the Office of the Prosecutor General is unable to retain competent prosecutors, so there are new Anti-corruption Prosecutors who lose cases now and then and sometimes these prosecutors lacks integrity.

Therefore, the efficiency and effectiveness of the Anti-Corruption Commission depends on a third party of which the commission has no control over despite damning evidence obtained from investigations, cases are thrown out of courts because of lack of well-trained prosecutors.

Table 2E: Content summary for questions 4, 5 and 6

Questions	Content	
4. In what ways does the political landscape influence the work of the ACC?	Positive	Negative
	Political will, financial support from the state, political stability, democracy exists, transparency,	Most politicians do not show understanding of the work of the ACC, law makers criticize the work of the ACC when caught in the web, politicians not willing to testify against each other, politicians protect each other, politicians believes corruption is empowerment (BEE), the DG a political appoint will not investigate politicians but play according to the rules by the ruling party, ACC is political party affiliated, no overt decisions are taken on cases of politicians, appointments are based on non-professional criteria and party loyalties, personal relationships are often divisive factors in appointments
5. What are the advantages and disadvantages of not giving the ACC to Prosecute?	Advantages	Disadvantage
	High degree of expertise & specialization, allows for checks & balance, separation of power, case management independence, currently the ACC independence is questionable this means some decisions will be unduly influenced, transparency, gives vote of confidence because it's not involved in investigation,	Greater administrative cost on OPG, slow action against corrupt cases, shortage of prosecutor delays prosecution of ACC cases, the efficiency & effectiveness will depend on a third party, political interference, ACC has no control over prosecution despite damning evidence of investigations, ill-trained prosecutors, prosecutors lack integrity
6. What recommendations could improve the fight towards corruption reduction in Namibia?	Good governance and ethics training, independence in auditing, integrity in official dealing, ACC report to a board of directors, emphasis on punitive & preventive measures, ACC to be given prosecution powers to work effectively, policing be enforced, independent prosecution be put in practice, crucial decisions not to be taken by one person, intensify public education & prevention activities, regular feedback through the commission's website or media on the success status, budget allocation for the commission is too little, ACC has few staff compliment, no well-equipped & established prevention section, lacking in expertise to be addressed i.e. legal advisors prosecutors, corruption prevention officers, auditors, accountants, engineers, surveyors etc., a competent board of directors to monitor the top management, strengthen independence of the ACC, independent investigation officers, independent prosecution, no political influence, anonymous members to carry out investigation and prosecute, the Head and the Deputy should not be appointed by National Assembly, re-draft the AC Act,	

4.3 Discussion: Findings and Analysis

4.3.1. Introduction

This section aims at examining the link between the findings from the collected data and the analyzed data and on how these addresses the problem statement, the literature reviewed and the objectives of the study. In other words, it is the comparison or the drawing of a link between chapter four to chapter one and two.

4.3.2 Low Rate of Prosecution

As it was earlier stated that one of the challenges the ACC face is the low rate of prosecution on corruption cases. Through the findings it was established that one of the causes of this phenomenon is the greater administrative cost to the Office of the Prosecutor General. Coupled with greater administrative cost is the shortage of prosecutors in most magistrates' courts. It seems the Office of the Prosecutor General is unable to retain well-trained employees as it is evident in most of the public service offices all over the country. Sometimes such overloaded work stations resorts to hiring ill-trained prosecutors or those without integrity just to keep the boat afloat. Therefore, the lack of well-trained prosecutors and the inability of the Office of the Prosecutor General to retain prosecutors reflect wrongly as inefficiency of the Anti-Corruption Commission when credible cases of corruption are thrown out of court. The key to addressing such a bad reputation is by instituting an independent prosecuting team under the umbrella of the Anti-Corruption Commission.

Despite the tireless outstanding efforts and the professionalism of the investigation units; if the prosecution standards are questionable corruption will never abate. Furthermore, as much as the independence of the Anti-Corruption Commission is questionable, the same doubt is applicable to the Office of the Prosecutor General because the heads of both institutions are appointed by the President/Parliament. Therefore, if a corrupt public figure cannot be served by the Head of the Commission out of loyalty he/she might be served by the Prosecutor General's office. Therefore, it is not correct to conclude that all overt cases of corruption that involved politicians and are thus far not conclusive, it is because only the commission has been protecting the politician, but instead both the offices has a fifty percent share of the blame.

As a remedy to address the questionable integrity and retention of skilled employees Van Rijckeghem and Weder (2001), believes that appropriate compensation or grossly underpaying employees will clearly affect their motivation. This means paying employees better salaries would keep highly qualified staff at the Office of the Prosecutor General making the effectiveness and efficiency of the prosecution process better.

4.3.3 Addressing Conflict of Interest

Taking agency theory into account, the rise of agent-principal dilemma, and the questions of who should head the Anti-Corruption Commission and the criteria on how such a person is appointed need to be examined thoroughly. The starting point in examining agent-principal dilemma is the understanding that an agent works for the principal, and the principal have authority over several aspects of the operations, although the agent also has responsibilities (Bebchuk & Fried, 2004).

Currently, the Director General of the ACC is appointed by the National Assembly. In terms of agency theory doctrines this makes the parliament members the Principals of the agency and the Director-General the Agent. Therefore, the agent is expected to perform duties to such an extent that he adheres to all the conditions that the Principal demands or else he runs the risk of losing his position. Despite the parliamentarians' appointing powers of the agent the public as stakeholders demands that both the Agent and the Principal's personal interests be overlooked for the total benefits of all citizens. In another words, this means the public is the third party who prefers their own interest to be taken care off first before anyone else's interest. In principle satisfying the interest of the third party (public) is nearly impossible because they do not have the appointing power of the principal neither the discretionary power of the agent. This is to say, the public's demand for a better Anti-Corruption commission lays at the mercy of the Principal and the Agent if the current status quo on the governance structures and operations remains unchanged.

On numerous occasions the public complains about why parliamentarians that are linked to graft are never prosecuted whereas ordinary citizens who are linked to pet corruption are easily apprehended?

The answer to this question lays in the theory under which the ACC was established. In this case the only theory that defends the interests of the Principal solely without taking various stakeholders into consideration is Stewardship theory. Under stewardship theory, the directors' legal duty is to the shareholders (Parliamentarians) neither to themselves nor the interested groups. To protect their own interest Parliamentarians nominates and elect directors who accept fiduciary duty to be stewards of those interest. Therefore, the directors do not always act in that way to maximize their own personal interests but do act responsibly with independence and integrity. Therefore, this is to conclude that although the ACC is referred as an agency, its practical form of governance is based on a stewardship theory.

It is for this reason the "Big-fish" are never apprehended despite their involvement in grand or business corruption scandals whereas the "Small-fish" who get involved in administrative or petty corruption are easily punished by the commission. Therefore, to address this phenomenon we shall refer to this scenario as the Big-fish-Small-fish Dilemma. Both the Agent-Principal and Big-fish-Small-fish Dilemmas can be addressed when the mandate of the commission is made clear and can tackle corruption through prevention, education, awareness raising, investigation

and prosecution without fear or favor. So far addressing this remains a challenge because prosecution is done by a separate body.

Secondly, the commission ought to be established by a proper and stable legal framework, such as the constitution or a special law, to ensure the permanence of the institution, because when the head of institutions of this nature are appointed the duration of such appointment remains unclear because contracts may either be extended or cut-short depending on their relationship with principal. From socio-political and corporate governance perspective is the theory of Managerial and Class Hegemony; which sees corporate governance as an interpersonal political process. In addition, the recent extension of a third term for both the Director-General and the Deputy Director-General of the commission project a typical example of a Managerial and Class Hegemony theory on the commission. According to Tricker, (2012); this theory emphasizes that new independent directors are nominated and appointed only if they sustain the dominance of the ruling group. In this case the ruling group would represent the ruling party that has dominance in appointing on whom to run the commission. So far this justifies corruption impunity that parliamentarians have enjoyed thus far and the presence of big-fish dilemmas in certain ACC investigations. Under Managerial and Class Hegemony directors perceive themselves as elite groups, this self-perception encourages them to behave in an elite way by dominating both the organization and its external linkages, the top management appointments ensures that newcomers fit into that elite and sustains its image. This means apart from being an agency the presence of these elements on the commission proves that the ACC has a certain degree of a managerial and Class hegemony in the appointment of its officials which then guarantees that the commission is far from being independent neither apolitical.

Therefore, the Head of the commission should be appointed through a process that ensures their independence, impartiality, neutrality, integrity, apolitical stance and competence. It is also essential for the independence of the commission that the heads have security of tenure and can only be dismissed through a procedure established by law. Finally, the ACC ought to adopt ethical conducts and the governance structure that is in compliance with the best practices of good governance.

4.3.4 Who should Head the ACC?

Based on the findings it was established that the commission could still be headed by a single director who reports to board of directors. Therefore, it is imperative to say anyone can head the commission provided they have credentials of higher integrity and can perform the administrative function of the commission. Unlike the current situation, the head of the institution does not necessarily need to be someone with a law background because he is not a prosecutor but an administrator. Pope and Vogl (2000) believe that; accountability is critical to

the agency's success, as are checks on its power and the method used for selecting its leadership. Anti-corruption agencies will fail if they can be subjected to political direction and used as a weapon to attack critics of the government. Safeguards have to exist as well as to ensure the agency does not itself become a source for extortion and corruption.

Pope and Vogl, (2000) adds that, anyone can head an anti-corruption agency; however, not the hand-picked supporters of politicians in power, because such leaders could at best not be relied upon to rock the boat at worst, they could be deployed to intimidate political opponents. Appointment procedures need to address the issue of whether the proposed mechanism sufficiently insulates the process to ensure that persons of integrity are given the leadership and that they are protected from political pressures while they are in office. Approaches widely used to provide security of tenure to high court judges could be applied here.

The appointment of the Director-General and the Deputy Director-General by Parliament can be justified as the demonstration of a strong political will from the Nation's leaders in addressing the escalating corruption scandals, but sometimes even such good intentions remains doubtful when few questionable decisions are taken especially in favor of those in position of control. Because of the skew corporate governance structure that the ACC find itself; most of the blame goes on the shoulders of the two appointed heads of the organization. Therefore, the lack of efficiency and effectiveness of the Anti-Corruption Commission is not based on the leadership of the Organization but on the structure under which the commission operates. So, the only shield that both the Director General and Deputy Director General can use against this blame is by operating under a Board of Directors or Commissioners. Although not every board would address the lack of efficiency and effectiveness of the commission, an ill-constituted board may make the situation even worse. It is customary in Namibia for one person to serve on five different or more boards which has created a loophole on the efficiency of the boards because such individuals will not prevent corruption but will be deemed corrupt themselves for using board sitting allowances as "personal cash-cows" and not for the total benefit of the organization they serve.

As stated on table 2C the use of various stakeholders to serve on ACC board has been highly recommended by the participants amongst other options. So, the composition of the board should

include individuals who are knowledgeable in administrative, corporate governance, law, and anti-corruption related matters and who are not serving on more than two boards. Among other factors the politically affiliated members should be the least involved in anti-corruption boards because such directors are most likely to advance their own political party agendas in board meetings.

4.3.5 Reduce corruption

It was observed that, the use of technology is the most useful tool in fighting corruption world over, and the lack of it results in poor service delivery and that lead to bureaucratic or administrative corruption as outlined by (Dike, 2002 and Lipsky, 2010). The new technologies in form of websites, mobile phones and other applications can be used to facilitate the reporting of corrupt activities, access to official information and to monitor the efficiency and integrity of social services. Contrary to this (Lister, 2016) discovered that the used of the ACC website has not been effective and neither does the Anti-Commission has a social media platform that allows the citizens to report cases on Facebook, twitter and many others when such a need arise. This has resulted in so many cases of corruption gone unreported.

The key to unmask corrupt deals lays in the efficiency of the communication systems, reporting cases of corruption through hand delivered mails will not work because such undertakings have proven costly to the reporter especially when such reported cases never reach the Office of the Prosecutor General neither have they been investigated. Similarly this proves right on how Kaure described the enormity of what corruption entails using the Indian folk tale of an elephant that was described by four blind men differently and how one person as the Director General will not be able to fight corruption on all fronts. For example, most people at ACC those in power do not see the importance of Facebook or on how this can be used to fight corruption; in fact majority are advocating for the closure of such services during working hours instead of harnessing the use of such platforms to interact with the general public. Although cost serving is equally important but this “John Magufuli ideology” could be detrimental to the well-being of the very same people we wish to serve if not well orchestrated. Information disseminated through social media has the power to reach masses within a short period of time compared to a closed door meeting or workshop that caters for close to twenty people within three days of an Integrity Management or a Public Education Awareness Workshop.

Although Namibia has done well thus far in relation to media freedom, such undertaking can only be useful if public office bearers are at abreast with changes in technology. Building the capacity of the media to investigate and expose corruption cases more broadly and to support the emergence of a free and independent media can contribute to galvanized public opinion and action against corruption. It is through media that most corrupt deals are discovered by the commission which literary means that the media is abreast with the latest corruption detecting

technologies rather than the commission that was created just for that purpose. Therefore, spending more money in those executive meeting as described by Lister, (2016) will not reduce corruption but will increase spending on wrong causes. If the institution is to abate corruption sending anti-corruption agents on study tours to learn on how latest technologies are applied in fighting corruption will be money well spent if such employees can still be retained by the organization after training.

Apart from the operational and structural challenges of the commission, the financial backing from the state seems to be inadequate. Despite the millions of dollars that the state gains through forfeited money from illicit activities with the help of the commission, the budget of the commission is shrunk year after year. It was reported that 6.7 million Namibian dollars of exhibit money from cases in which the courts have successfully convicted people is forfeited to the State coffers in 2015 (The Villager, 2015). Instead, the 2015/16 budget of the commission was budgeted close to 53 million and this was shrunk to just over 48 million in the 2016/17, (National Budget, 2015/16 and 2016/17). Although it was discovered that with the 2015/16 budget most of the activities of the commission could not be executed because of the scarcity of such funds. With the increase in capacity and staff compliment of the commission it is estimated that nearly half of the planned activities of the commission will still not be executed in 2016/17 calendar year should the status quo remain the same. This leaves no room for staff development in terms of increasing the capacity of technology in fighting corruption.

Another factor with financial implication is the inability of the commission to retain employees after several years of specialized training. This happens because the institution is an able to pay employees competitive market related remunerations. Most seasoned investigators or public educators find greener pastures in private firms after receiving specialized training through the commission. This is because the employees do not feel valued and/or do not see opportunities for growth because the commission has not grown much since it was initiated in 2003. So far there are only four offices of the commission country-wide, this leaves other ten regions without a direct operational Anti-Corruption Office; and this could be one of the reasons why the use of technology in reporting corruption is more important in Namibia because it is not everyone in these regions who can drive or walk into these four offices to report corruption. So majority of the citizens live in remote areas such that no radio or television networks ever reach such areas.

Corruption will be reduced when citizens agree on the value of democracy, a free press, good governance and when the government's role is limited to well-agreed areas, especially those for which government has a comparative advantage. There will be few cases of corruption when there are no emergencies ranging from war to civil disorder to financial collapse and natural disasters, all of which may require dramatic and rapid actions. Furthermore, corruption reduces when civil servants are well paid and well qualified and the private sector is broad and competitive, with clear rules of the game and open to foreign competition. The levels of corruption will tend to be higher in countries and institutions that do not enjoy these conditions.

There will be more corruption where democracy and good government are not widely valued, where the press is not free, where governments' role in the economy is large, where there are wars and emergencies, where civil servants are poorly paid and poorly qualified, where the private sector is thin and monopolistic, and where the rules of the economic game are unclear.

Klitgaard (2008) state that; "corruption is an economic crime. Morality matters, but given the level of public morality the amount of corruption depends on economic calculations by the parties involved in the corrupt activity. What are the benefits of the activity? What is the probability of being caught, and if one is caught, what is the expected penalty? The corrupt individual will proceed if the benefit minus the moral cost minus the probability of being caught times the expected penalty is greater than zero, and the formula for all corrupt systems is Corruption equals Monopoly plus Discretion minus Accountability ($C = M + D - A$)".

Although corruption cannot be eliminated entirely, neither can we change people's morality within a short period of time; but we can change the institutional cultures, mobilize resources and reform our systems to be more resilient against corruption. In corrupt societies, words count for little. The culture of corruption contains the idea that big fish will swim free, that the powerful enjoy impunity. Successful leaders change this idea through impressive action, not just words. One step is to fry some big fish.

The credibility of the ACC will not stand if parliamentarians who are linked to corruption cases walk free especially when they are from the ruling party. Changing the institutional culture by "picking the low-hanging fruit" will create short-term successes of highly visible change and expectations. Even though the commission continues to work with other existing institutions the success of these partnerships will yield fruit if young people are partnered with senior staff members to investigate and prosecute cases of corruption in an in-depth manner. The same can be said about heads of organizations that has been in the same positions for too long; this phenomenon breed corruption and can be discouraged by rotating the appointees of the President in different institutions to avoid both complaisant and complacence.

The fight against corruption requires allies. The business community, civil societies and media can provide information about where corruption is occurring and how corrupt systems work. Using citizens as eyes and ears to insure successful implementation of public works and also to enable citizens to denounce cases of inefficiency and possible corruption among many others, may lead to reductions in corruption. Leaders of agencies need to invite business groups, lawyers and accountants to describe how corrupt systems work and to suggest remedial measures. Efforts in e-government are proliferating around the world, with the promise of reducing corruption by using the Internet to publicize all contracts and budgets.

In the longer term, reducing corruption requires better systems. Corruption fighters must reduce monopoly, clarify discretion, and increase transparency in many ways. Reducing monopoly

power means enabling competition, as in government contracts. Limiting discretion means clarifying the rules of the game and making them available to the common man and woman. If possible making important documents available on-line in local languages will make it harder for a government official to trick a citizen because the rules of the game are readily available online. Enhancing accountability means many things, and creative leaders use a remarkable variety of methods. One way to improve accountability is to improve the measurement of performance. Leaders can work with their employees and clients to create new systems for measuring the performance of agencies and offices and then link rewards to results. Accountability is also increased by inviting outside agencies to audit, monitor, and evaluate. Finally, the press can be an important source of accountability, if they are invited to be partners in reform instead of treated as potential political enemies. With regards to ethics and morality; successful leaders set a good example. They sometimes create training programs for employees and citizens. Nonetheless moral initiatives are not the crux of long term reforms. The keys are better systems that provide better incentives for imperfect human beings to perform in the public interest and to avoid corruption.

What if the people on top are themselves corrupt? When corruption has become systemic, it resembles organized crime. It has its own parallel system of recruitment and hierarchy, of rewards and punishments, of contracts and enforcement. This parallel system has some inherent weaknesses. For example, in no country of the world are bribery and extortion legal. Therefore, they must be kept secret. The money gained must be hidden. One cannot openly recruit new members. The mechanisms for enforcement are illicit. How can these corrupt systems be subverted? Obviously we cannot count on members of organized crime to clean themselves. Instead, we must analyze the corrupt systems and ask, "How might they be destabilized? It can be a new president and his or her team, or a new mayor or head of a public enterprise. But it can also be you and me as members of civil society. Around the world we see new examples of citizen activism, of business groups entering into "integrity pacts," of intellectuals and journalists and religious leaders going beyond lectures and sermons to analyze corrupt systems and work together to subvert them.

For example, one corrupt system of a road building which involves Parliamentarians, government executives, and key business people which works on emergency work that is let on a non-competitive basis at a price 40 percent higher than works bid competitively. The surcharge is to be shared corruptly. This system does not involve all Parliamentarians, all government officials, or all businesses. With the help of a team of analysts, the corrupt systems were analyzed. The lifestyles of some corrupt Parliamentarians and officials are documented with the help of the recent norm of asset declaration. Finally, the results will be publicized in the press and internationally. The corrupt system will not withstand the light, and the key figures will be in jail. Those wishing to fight systemic corruption will mobilize people in the same way.

Together, we can analyze corrupt systems and document lifestyles far out of proportion to official pay and together, we can subvert organized crime and corruption.

4.3.6 Conclusion

In conclusion the most important thing is to ensure that corruption is eradicated completely, before this happens the whole nation needs to create a platform for dialogue and to ensure that we have the right machineries in the right places. Therefore, creating room for dialogue means making use of the less used innovated technologies to reach the majority of the citizens in most remote areas of all so that they can make their voices heard on issues that confronts them in areas such as schools, hospitals, clinics, churches and other places where abuse of power and bureaucratic corruption is prone to happen. In addition, issues of corporate governance structures and operational activities of the commission should be given priority if corruption is to be addressed. The unmonitored and unquestioned leadership of the commission creates room for skepticism and for abuse of power on who to investigate and prosecute. Because both the Prosecutor and Director-General are political appointees or nominees of parliament the public is oblivious on what happens to dockets of parliamentarians who are linked to investigations of corruption? Therefore, an independent board of directors is crucial in addressing such rhetoric oblivion. Since by statutes such a body of board of directors does not exist on ACC structures it is up to the parliamentarians to ensure that such a structure is incorporated. If the parliamentarians are too lax in advancing such an agenda it is up to the public to demand for such a change as addressed by using the Demand-Side Approach as outlined by Chene, 2008 in order for the commission to operate efficient and effectively.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This study focused on an evaluation of the Anti-Corruption Commission of Namibia; where the focus was on corruption reduction. Among others factors various aspects of corruption were addressed; these includes; the definition of corruption, different types of corruption, corporate governance perspectives and theories, interventions on how to reduce corruption and certain challenges that the commission face in corruption reduction. In order to have an efficient and effective anti-corruption commission the question of who should lead the agency was also given priority.

5.1 Summary

All agencies ought to operate on agency theory principles; the failure in doing so implies such an entity revokes its agency status; and this description is a typical reflection of how the Anti-Corruption Commission of Namibia has been operating over the years since its inception. Furthermore, by principle all agencies are directed and controlled by a board of directors and headed by a Chief Executive Officer (CEO) or a Director-General in case of the current status quo at the Anti-Corruption Commission. This study has proven that the ACC has not been operating on agency theory principles although it is affectionately known as an agency of the State or a Quango. This is proven by the evident absence of board of directors in the current structure of the commission and the manner in which the head of the agency is appointed. In fact the current status shows the presence of class hegemony perspectives in the governance structure of the commission. As illustrated in chapter two; this perspective aims at encouraging the emergency and protection of the interest of elite groups or those that has power to control or make decisions.

Secondly, an ant-corruption agency can be made more effective if there is a strong political support from the country's President, access to documentations and the power to question witnesses when corrupt activities are investigated. In addition, fighting corruption requires the use of innovative technologies where systems are automated to detect or deter anomalies as well as enhancing the transparency and uncomplicated corruption reporting platforms. In other words the use of social media platforms in reporting corruption is highly recommended.

Finally, this study reveal that apart from many challenges that agencies face in the fighting corruption the best way to reduce the escalation of corruption is by focusing on correcting systems and procedures that breeds corruption rather than focusing on individuals cases. This means putting corruption prevention at the pinnacle of both human capacity building endeavors

and monetary injections in comparison to the other two approaches of the commission such as investigation and public education.

5.2 Conclusion

We can do a lot to reduce and prevent corruption through a holistic, strategic approach, one as rational and calculating as with any other major issue of public policy and management. It was discovered that corruption in Namibia thrives as a result of the obsolete statutory obligations. It happens more readily in certain institutional, political and cultural settings. For example the structure and the operations of the commission lacks the basic principles of corporate governance values and this has resulted on demand for checks and balances on the institution. Furthermore, the independence of the commission is obscured by the lack of board of directors to oversee the smooth running of the commission and to ascertain that the work of the commission is free from political influence. Among other things; the accountability and transparency of the operations remains questionable because so far the commission has not made a credible statement against the so-called big-fish that has been implicated in corruption scandals. Therefore, unless proven other-wise the public has little faith and confidence on the current work of the commission.

When examining the challenges of the commission, it is proven that the ACC lacks ability in utilizing the latest technologies in fighting corruption, the use of social media and the ACC web-site being inactive leaves enough room to confirm that the commission is not doing enough to incorporate the use of the latest technologies in its efforts on corruption reduction. Furthermore, certain divisions of the commission are also dormant; especially the corruption prevention, research and policy analysis. This is necessitated by lack of skilled work force and the willingness of the organization to send employees for intensive study programs in this regard. Another concern is the inability of the institution to retain employees as a result of poor remuneration packages and disparity in salaries among its employees. The ACC lose seasoned investigators and public educators after intensive tutelage of perfecting their art on job trainings, but such employees are lost to the first best offers in private sectors without counter remunerations efforts from the agency. This has a lot more to do with the commission operating under the umbrella body of the Public Service Commission which does not give the agency the autonomy to counter such offers from the private sectors. This has derailed the growth of the institution because lost employees are to be replaced after a long periods of time due to lengthy bureaucratic recruitment procedures of the public service commission of Namibia.

Further challenges associated with the three pronged approaches of the ACC those that humpers the implementation of the demand-side approach are; knowledge on how and the cost of reporting corruption activities. In other words, majority of the citizens do not know what acts or dealings poses elements of corruption which put a larger share of the blame on the public education leg of the commission. Therefore, this has resulted in having few corruption cases

being reported because the public is not well educated on how to report corruption and are unable to use the current available reporting platforms because of high costs involved or long distances to reporting centers. On another note corruption has escalated in public spheres because certain systems and procedures allow opportunities for such activities to flourish. This means there has been no corruption insulation measures put in areas that are prone to corruption and the possibility of getting caught when engaged in such activities keep diminishing as years go by. For example the use of video cameras in areas such as banks, cashier points, streets etc. to capture illicit activities have been a challenge.

All of these points mean that we have to focus on addressing corrupt systems, rather than corrupt individuals, because individuals use corrupt systems to enrich themselves. Therefore, making systems and institutions corruptly impermeable will insulate organizations against acts of corruption of the individuals. Corruption is a crime of calculation, and regarding this sensitive subject we have to be at our coolest and most cerebral to make progress. We have to analyze ways to shock corrupt administrative cultures into seeing that change is possible. We have to reduce monopoly, clarify official discretion, and enhance accountability. We have to find ways to involve citizens, journalists, non-government organizations, businesses, and government officials in the diagnosis and remediation of corrupt systems. Experience around the world especially in Hong Kong and Singapore shows that corruption can be reduced, even where it seems to be endemic.

5.3 Recommendations

For corruption to be effectively reduced in Namibia all institutions in both the public and private sectors need to be governed on good corporate governance principles. Therefore, the Anti-Corruption Commission of Namibia is not an exception in this regard. Addressing the governance structure of the commission will be a good starting point for ensuring that the ACC is fully independent and decisions concerning all cases of corruption are taken collectively by an independent apolitical body within the commission itself. In addition, the inclusion of the board of directors representing various stakeholders such as independent auditors, independent prosecution team on ACC cases and the referral of all investigated cases to an independent prosecution team are some of the structures and operations that can enhance efficiency, effectiveness, accountability, transparency and participation of the commission in reducing corruption.

The Anti-Corruption Commission lacks expertise in most of the areas of operations such as corruption prevention, engineering, surveying, accounting, prosecution, investigation, etc., therefore, linking with other agencies around the world will add value to the operations of the agency. This can be done by sending employees to these reputable world-class anti-corruption agencies to study how they operate and learn new skills. In order for all these challenges to be addressed the Anti-Corruption Act No. 8 of 2003 need to be amended to incorporate new laws

that aims at sealing loopholes that breeds corruption or remove obsolete statutes that are no longer relevant to the efficiency and effectiveness of the commission in corruption reduction.

In conclusion, areas that need to be explored further include factors such as; who should serve on ACC board? How can we make ACC more Independent? What procedures need to be followed when appointing the Heads of the anti-corruption agencies? etc....

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APPENDIX 1: QUESTIONNAIRE

APPENDIX 2: LETTER OF INTRODUCTION

APPENDIX 3: INSTITUTIONAL CONSENT FORM