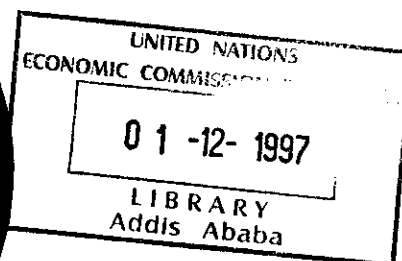




United Nations
Economic Commission for Africa

ECA/MRAG/96/13/TP



Multidisciplinary
Regional Advisory Group

CRIME IN THE PUBLIC SECTOR:
TRENDS AND IMPLICATIONS FOR
THE PERFORMANCE OF THE SECTOR

By:
Catherine Ade
Regional Adviser
ECA-MRAG

Addis Ababa
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Executive Summary

**CRIME IN THE PUBLIC SECTOR: TRENDS AND IMPLICATIONS
FOR THE PERFORMANCE OF THE SECTOR**

The technical paper recognizes crime as an unavoidable societal evil which has an overlapping nature both in the public and private sectors. It defines Public Sector Crimes (PSC) and offers reasons why they constitute a problem which deserves attention. Working within the dictates of its purpose and objectives, it explains the occurrence of PSC within the concepts and principles of the following theories:

- The Big Chief Social Expectation Theory;
- The African Culture of Appreciation Theory; and
- Minimal Remuneration Theory.

Having established the basis for understanding the nature of PSC, the paper utilizes Content Analysis, a research technique, to document them from current literature. Each of the crimes is defined in legal terms (penal code) and discussed with examples of would-be offenders. Crimes include, but are not limited to: corruption and bribery, embezzlement, misappropriation of public funds, smuggling, extortion, forgery of official acts, removal and destruction of public records/copies of government papers, perjury, false expert reports, favours, fraud at examinations and breach of seals, failure to report deficiency, indulgence, conflict of interest, failure to register birth, marriage and death, negligent custody and receiving/fencing.

The economic, political, educational and moral repercussions of these crimes are examined with emphasis on public sector performance. Also, particular attention is focused on corruption as a public sector crime, and the on-going strategies of curbing it in the region as evaluated by the Economic and Social Council as well as African Governments.

In a subtle twist, the paper links PSC to drug abuse and illicit trafficking in the region. Such a relationship is clearly demonstrated by corruption, and money laundering. Extending the scope of the analysis, the paper gives cognizance to the strategies United Nations agencies are employing to control Corruption and Drug Trafficking in the region. The efforts of NGOs in this area are also identified.

Based on the overall findings, conclusions are drawn and recommendations are made for international, regional and national initiatives. Importance is also attached to the funding mechanisms of the proposed policy directives and programmes.

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Internationally, a call is made for the establishment of a programme within the structure of INTERPOL known as the "Public Sector Monitor" designed to track down and publish in the print and electronic media, names of high ranking public officials who are involved in corruption, misappropriation, embezzlement etc.

Regionally, the paper recognises the need for the following:

- the establishment of a Regional Public Sector Crimes Council (RPSCC);
- the establishment within ECA, of a Tuition-Paid Training Programme for Investigators of PSC; and
- the establishment within AAU's Structure, a research oriented unit of the "Public Sector Monitor".

Nationally, the paper calls for the initiation of the following programmes:

- reward for ethical behaviour;
- establishment of the "Office of Ethical Standards";
- creation of "Honest Employee Action Programme", "Crime Anonymous Programme", and "Public Sector Crime Monitor Stations";
- salary structure and penal code reviews;
- statements of disclosure;
- failure to report sanctions; and
- establishment of anti-corruption structures.

INTRODUCTION

A crime generally is a human conduct that is defined and codified in law as crime "nullum crimen sine lege" with stipulated sanctions and punishable by law (Ade, 1990).

Crime usually invokes the image of violent acts, as manifested in theft, murder, assault, rape, and other overt anti-social behaviour, the kind of conduct which does not go without disrupting order, causing a decline in public security and a steady ascent into social chaos. But very few people often think of the sophisticated supposedly "non-violent" acts that have collectively ruined the region - **Public Sector Crimes (PSC)**.

Public Sector Crimes are violations of societal norms and laws by a person or group of persons in the course of performing a legitimate occupation or financial activity within a state or parastatal agency. These violations are often accepted as part of the business morality of the violator - a public servant.

A public servant is defined in the Cameroon Penal Code as:

any judicial or legal officer, any law official, any employee or official of the state or of any other corporate body governed by public law or corporation or semi- public corporation, of a law official, any Armed Forces, or Gendarmerie serviceman, any employee of the National Security or Prison Administration and any person charged, whether continuously or occasionally with any public duty, mission or task, while acting in the discharge of his office or in relation to the said office (S131 of CPC:157, meaning Section 131 page 157 of the Cameroon Penal Code).

THE PROBLEM

Public Sector Crimes are costly. They are a threat to the political system in that they not only challenge the monopoly of authority or force imputed to the state in political theory, but they also interfere with, and if severe, destroy the normal political processes. This is visible in Africa where governments constantly overthrow each other.

Public sector crimes such as corruption, embezzlement, misappropriation, and other varieties, destroy rational decision making processes and stifle initiatives as decision makers become short-sighted and lose the confidence of the people they serve.

Commenting on the corrupt practices of public servants, a commission of inquiry in the western sub-region noted that when a politician, military officer, or bureaucrat could not afford to pay for his catapulted standard of living, he usually resorted to dishonest means to make ends meet. According to that commission, he would either steal, accept bribes, or corrupt to achieve his aim, because he refused to cut his coat according to his cloth.

The apparent callousness of the power(full) in the region causes such damage to the social fabric of society as is impossible to define in quantifiable terms. The economic damage is also difficult to gauge. For, it is no longer a secret that persons in power routinely misappropriate funds meant for public projects and channel them within private projects.

Losses from public sector crimes outweigh the losses from street crimes such as robbery and petty theft put together. Yet most people are still more concerned about street crimes than they are about public sector crimes. Even among those who are aware of the financial burden imposed by public sector crimes, some often do not understand the real scope of the problem. Public sector crimes are widespread and this saps the development potential of states in the region.

Rationale of the study

Public Sector Crimes are by far one of the most pressing issues of the decade. They have been given attention by the United Nations, the mass media, by some studies, personal observations and by politicians running for offices who make the usual promises to stop perpetrators on track.

PURPOSE

This study is undertaken to recommend policy and programme initiatives to curb the rising incidence of public sector crimes in the region so as to promote socio-economic development for the benefit of all.

OBJECTIVES OF THE STUDY

To accomplish this goal, the objectives of the study seek to answer the following questions:

- how are public sector crimes referred to in statutes?
- are some public sector crimes more prevalent than others?
- what has been the trend of public sector crimes in the region - are they increasing or decreasing?
- why examine public sector crimes?
- what are the causes of public sector crimes?
- what theories explain the occurrence of public sector crimes?
- what are the socio-economic, political, and transnational impacts of public sector crimes?

- what are the implications of public sector crimes for the performance in the sector?
- is there a correlation between crimes in the public sector and drug trafficking?
- what measures have been taken to deal with the problem?
- what strategies need to be emulated, scrapped, or revised? and
- what recommendations can be advanced to liberate the region from the impact of public sector crimes?

DELIMITATION

In view of the overlapping nature of public sector crimes, the scope of the study is limited to acts committed by employees in government (executive, legislative, judiciary branches) and parastatal agencies. Acts committed by non-government employees against government institutions and officials are not considered.

The rationale for this is based on the fact that the cumulative cost of crimes committed by public servants is more significant than that of crimes committed against the public sector by private citizens.

The overlapping factor suggests that crimes such as embezzlement, bribery and corruption are committed by persons employed in the private as well as in the public sector.

Finally, the scope of the study does not permit a detailed examination of all public sector crimes listed. Rather, a brief description of each has been provided while some frequent occurrences are examined in detail.

Having stated the focus of the problem, the study presents in two parts, inter alia:

1. Theoretical Framework
2. Research method
3. Public Sector Crime reference
4. Impact of public sector crimes
5. Implications of Public Sector Crimes for the performance of the sector
6. Public Sector crimes and Drug trafficking

Corruption and Drug Trafficking

Money-Laundering and Drug Trafficking

7. Strategies for controlling Drug Trafficking and Public Sector Crimes in the region
8. International Instruments for the control of Drug Trafficking
9. Controlling Drug Trafficking through Publications
10. Impact of UN interventions
11. The Role of the NGOs in the fight against Drug Trafficking and Public Sector Crimes
12. Conclusion and recommendations
13. Funding for the recommendations

PART ONE

THEORETICAL FRAMEWORK

No one explanation can represent the complex interrelationships between the social, psychological and structural variables that belie the foundation of public sector crimes. On the social-psychological side, individuals are forced to public sector crimes by the craving for money and success that motivates other criminals.

Such motivations are often combined with pressures of loyalty to subcultures or superiors that encourage illicit behaviour. The combination of such motivations can create those strong psychological pressures that drive people to become involved in public sector crime, although some may argue that belief in moral or ethical rectitude should generate enough powerful contravening forces of their own in some people.

Even where such contravening forces are generated, public sector criminals employ a number of common rationalizations to neutralize those ethical standards and maintain a positive self-image in spite of their illicit behaviour. They justify their behaviour by saying to themselves that nobody is really hurt through public sector crimes, as "victimless" as they are perceived, that underlying regulations, laws and policies are unfair to them and that criminal activities are necessary for economic survival. They also rationalize that everybody else is doing it, and that they deserve the additional income that bribery and/or corruption can bring (Coleman, 1989).

The Big Chief Social Expectation Theory

The Big Chief Social Expectation Theory advances the notion that holders of public offices, especially those who are highly visible, are perceived by family members, friends and the public in general as having control over an inexhaustible source of wealth that they can easily and freely access to solve the financial problems of the disadvantaged poor. Such

in general as having control over an inexhaustible source of wealth that they can easily and freely access to solve the financial problems of the disadvantaged poor. Such a perception builds around the less-prudent, and the less self-reliant office holders, a financial aura that is far beyond their ability to meet. To show their social status, they engage in practices that are beyond the normal call of duty. This also explains the existence of the patronage system in the public sector.

An important and easily overlooked component of the patronage system in place in African countries has to do with the size of cabinets and the various staffs. Where jobs allow a chief executive power and influence, it is a sure bet that jobs will proliferate and always at the people's expense. Cabinets of less than thirty members are the exception rather than the rule. Some cabinets have had no fewer than eighty ministers, ministers of state, and parliamentary secretaries. Others have had as many as forty-six ministers despite the fact that they had de facto single party systems.

Indiscriminate hiring practices result in the use of bloated staffs which has become commonplace. This requires payments to job-holders holding jobs that are not really needed. Thus, the excess of jobs beyond that which might efficiently complete the project is "criminal waste" - all of which costs the taxpayer in pounds & shillings, birr and cents, in kwacha, niara or francs CFA.

Beyond the notion of efficiency are the basic questions concerning a job-holder's competence. Extra jobs are a crime whose "cost" is easily measured, but not so easily measured is the "cost" of a job-holder holding a legitimate job for which s/he is not competent, let alone qualified.

The African Culture of Appreciation Theory

Appreciation takes various forms: a simple verbal "thank you", a "thank you" card; or a "material gift". In Africa, like any part of the world, the expression of appreciation as the beneficiary of a specific service rendered is not uncommon. What does not fit into the dictates of this practice, is the intent of the gift. Intent here is used to describe the mental processes that ultimately define the purpose of the gift. If it is offered as a means of influencing the behaviour of the office-holder either to exclude or include the giver in a favourable environment, then it meets the simple definition of corruption. Consequently, that act is outside the normal distribution curve that represents the African Culture of Appreciation concept. What falls within the curve is a gift:

...usually a token, it is not demanded, the value is usually in the spiritual rather than in the material worth. It is done in the open and never in the secret. Where it is excessive, it becomes an embarrassment and it is returned (Obasanjo, 1994:27).

Minimal Remuneration Theory

Proponents of this theory uphold the view that when the police, custom officers, clerical officers, local government officials, cashiers and other public sector employees are poorly paid, they are unable to meet their financial obligations and such inability encourages dishonest means of earning a livelihood. Reflecting on the subject, Frisch (1994:60), concludes that "...poverty contributes to the extension of corruption; for he[she] who cannot honestly meet his[her] basic needs is constrained to resort to less honest means of subsistence".

Despicable salary structures and conditions of employment result in the flight of skilled manpower from the public service, while reduced incomes make civil servants engage in criminogenic behaviours - pilferage, corruption, fraud, theft of public property, embezzlement, forgery.

An opposing school of thought to this theory, however, contends that poverty is not the cause of corruption, but that it originates from a breakdown in moral standards and greed, the inability to refrain from spending funds that do not belong to one. It maintains further, that once such practices have been inculcated, it becomes almost impossible to stop. Obasanjo (1994:27) underscores the point in:

most of the officers of the [banking industry in Nigeria] were more than well-paid and in spite of this the degree of...corrupt practices in the banking industry was outrageous.

These statements explain the existence of public sector crimes in the region.

RESEARCH METHOD

The study uses Content Analysis, a technique that demands a systematic and quantitative description of oral and written communication. Initially designed to be utilized in analysing the contents of communication, the method has extended its applicability to include Education (Ade-Mobufor, 1989) and Criminology (Ade, 1990).

v In Content Analysis, essential units of analysis called for by the method comprise themes, characters, items, space and time. In this study, its usage is limited to pre-identified themes which were sorted out from relevant textbooks, journals, newspaper articles, pieces of international instruments (UN Declarations), previous studies in the field of Crime and Criminal Justice, Public Policies and several Public Pronouncements.

Content Analysis, however, has its own shortcomings, which arise from dealing with non-human subjects (printed material). Hence, the inability of the researcher to interact with the authors and publishers. This, in turn, hinders attempts at verification and clarification. Regrettably, such limitations which are usually checked by follow-up interviews, were not carried out, in this case, given the financial handicap of the study.

PUBLIC SECTOR CRIME REFERENCE

The nature of public sector crimes is often seen from the viewpoint of offender-oriented typology, i.e., the criminal violation by an individual or group of individuals for personal gain while performing an official duty. As the definition implies, people involved are usually looking for personal gain in the form of, inter alia: promotions, salary, wealth, fame, success and additional income. The definitions of public sector crimes stated in this section are as provided in the Cameroon Penal Code. They are not different from those provided in other African countries.

1. Aggravation by public servant

Any public servant who uses force to any person shall be punished (S132 of C.P.C.), that is, Section 132 of the Cameroon Penal Code.

This crime is manifested when a public servant uses excessive force in the line of duty. Police, gendarmes, security personnel in state facilities and correctional officers sometimes step out of line especially when they have to deal with members of the public not related to them in one way or the other.

2. Conflict of Interest

Any public servant whose duties include the supervision of any concern, undertaking or concession, or the expression of an opinion on its operation, and who in any manner assists or shares in its financing or operations shall be punished (S136).

Conflicts may be seen where a public official supports a particular project that benefits him/her directly or when s/he stands a chance of benefitting from a piece of legislation in favour of a project in which s/he has ownership. For example, a legislator may be a shareholder in a bank with which government is interested in doing business.

Conflict of interest also threatens state security, when, for example, officials who determine the rates for telephone, water, insurance, electricity or those who approve what drugs go on the market have amicable relationships with the persons representing those companies.

The award of public contracts based on who public servants know and where their interests lie, is a glaring example of conflict of interest aptly prohibited by laws across the region.

3. Indulgence

Any public servant who grants exception to any dues, fees, duty, tax or contribution or who delivers at a lesser price than that prescribed, any produce of government department, of corporation or of any authority or corporation either public or subject to administrative control of the state or in which the state holds directly or indirectly the majority of the shares shall be punished (S137).

The routine practices of overcharging, undercharging and even exemption from charges, by custom officers, stores accountants, revenue collectors, cashiers in state-owned and operated stores, tax collectors, postal agents, staff of Lands and Surveys and municipal employees entrusted with the responsibility of levying charges for services, are clear indications of how this category of public sector crimes is perpetuated.

4. Failure to report deficiency

Any public servant having the knowledge of any cash or book deficiency in the accounts of a public official under his orders or supervision and not reporting the deficiency to the legal authorities or to his immediate supervisor shall be punished (S138).

The primary culprits of this stipulation are government auditors who let the criminal acts of other public servants in charge of government properties go by without reporting even though they may have discovered an irregularity. Most of the time, this apparent neglect is preceded by a bribe.

Public servants working in state departments where materials and supplies are found (telephone supplies, computer supplies, stationery, medicines, office equipment, etc.), often fail to report missing items because they have either stolen, or connived with others to steal them.

5. Negligent Custody

Any custodian who by negligence permits the destruction, effacement, or abstraction of any public property shall be punished (S139).

This crime is illustrated in what recently appeared in a local newspaper whereby goods worth over \$5000.00 (forty million in local currency), were left to degenerate in a customs warehouse over a period of ten years. Food items, cars, medication, and others which could have been auctioned off for state revenue had to be destroyed because of the negligence of the public servants entrusted with the responsibility of controlling smuggled and contraband goods. "Individuals complained that their cars were left...in the sun-drenched compound of the office for many years due to the office's clumsy work procedures" (Ethiopian Herald 9/2/96) was the outcry.

6. Neglect of Preliminaries/Birth, Marriage and death registers

Any registrar of births, marriages and deaths, who registers a birth, marriage or death celebrated by himself without checking that all consents required for its validity have been given or before the expiry of such time as may be prescribed in case the wife has already been married shall be punished (S149 (1) sub (b)).

Any registrar of births, marriages and deaths who makes an entry elsewhere than in the register prescribed in that behalf or fails to enter any such birth, marriage or death shall be punished (S150).

Fraudulent and/or negligent acts in this domain have resulted in the payment of salaries to, and promotions of deceased public servants whose deaths were not registered; in the collection of family allowances for children who may have died or grown to adulthood; and in the payment of monies to public servants whose status had changed following a divorce. In addition, corrupt registrars and municipal clerks have set up shop issuing fake documents to give the beneficiaries of their act undue advantage.

7. Action Against Civic Rights/Oppression/Failure to protect private rights

Any public servant who obstructs the exercise of a citizen of his election rights shall be punished (S141)

Any public servant who has taken advantage of his post to infringe any private right or interest shall be punished (S140). Any public servant who having the power, the duty and the means to do so, refrains from preventing the use of force against any person, or his deprivation of liberty or obstruction of the exercise of his civic rights shall be punished (S146).

A typical example is that of Nigeria where the people had spoken by electing Abiola and Babanginda, with the stroke of his pen, cancelled the elections, oppressing the will of the people. The losses incurred by such action cannot be stated in terms of fiscal and psychological costs.

State-instigated action against members of opposing political parties are commonplace where elections are rigged, ballot boxes stolen or deliberately misplaced, or where the populations are bought over to denounce parties and blackmail political opponents.

8. Undue Demand/Refusal of Service

Any public servant, notary, public auctioneer, bailiff or process server or representative of any such who demands fee, dues, duty or tax which is not due, or any material benefit otherwise than on the payment of the proper price shall be punished (S142)

Any public servant, notary, public auctioneer, bailiff or process server who, having been lawfully required, refrains from the performance of any duty of his office shall be punished (S148)

One cannot over-emphasize the activities of customs officers, traffic police, treasury officers, tax collectors, revenue collectors, bank tellers, cashiers in state stores, principals of state educational institutions, postal clerks and many other corrupt public servants, who extract money from the public for performing the services for which they received a regular salary. Some are known to have hidden the documents of, or refused to serve the people who did not "settle" them. Settlement is the term employed in some West African states to denote bribery.

9. Favour

Any public servant who decides between parties from favour or ill will shall be punished (143)

Customary court judges, magistrates, state prosecutors, Criminal Justice personnel, dispute settlers, arbitrators, the police (when applying their discretionary powers), land consultative boards, and chiefs of services, have rendered opinions on very serious matters (Divorce, land disputes, legality of marriages), on the whims of favours.

10. Failure to suppress riots

Any public servant who having the power, the duty and the means to do so, refrains from dispersing a riot shall be punished (S145)

The police, army, gendarmerie and even security personnel have the tendency to look the other way when riots are in progress. They either fear for their lives or they lack the national commitment to get involved when any act threatens the security of people other than the ones they know.

11. Fraud at Examinations/Breach of Seal

Whoever commits any fraud at examination or competition with intent thereby to procure his entry into any public service or any degree, certificate or qualification issued by the state or by the public service, whether national or foreign shall be punished (S163).

Whoever breaks any seal lawfully affixed shall be punished (S191).

Fraud at examination takes various shapes. Some people vying for promotions, recruitment or the possession of standardized certificates, ask people to write the examinations for them. School authorities (teachers, invigilators, principals, supervisors) often find amongst them public servants who provide answers or leak examination questions and secretaries who insert names of unsuccessful candidates in the lists of successful ones.

The incidence of fraud was recently highlighted in one province in eastern region where, it was announced that co-operative shops and public institutions that had been set up for public use were rented out by public officials over a period of four years. The proceeds of this illegal transaction went into private coffers. (Ethiopian Herald, 18/8/95).

Where leaking an examination is involved, a public official commits the additional crime of breaking a seal that has been lawfully affixed.

12. Perjury/False Oath/False Expert Report

An expert referee making a false report which he may no longer alter shall be punished (S165)

Whoever in any proceeding gives an oath or affirmation, false evidence, capable of influencing the decision shall be punished (S164).

This involves public servants such as members of land consultative boards, employees of lands and surveys, customary court personnel, the police, wardens, psychiatrists, psychologists, medical doctors and/or politicians sometimes providing false testimonies to influence the decisions of important matters. This is likely to happen when they have been bribed.

13. Removal and destruction of Public records/Copies of government Paper

Whoever abstracts, removes or destroys any document in the custody of any public authority shall be punished (S188).

Whoever takes without authority or permission a copy or any document the property of the government shall be punished (S189).

Public servants who sometimes break this law are members of the judiciary, registrars, auditors, bursars, stores accountants, state cashiers, and administrative clerks, who often conceal or remove evidence by destroying documents. They do so because they have access to the documents and have been influenced to carry out the illegal acts.

14. Extortion

Whoever by force, coercion or fraud extorts the signature or the delivery of any document having the effect of any obligation, discharge or deposition, or otherwise liable to harm the signatory in his person or in his substance shall be punished (S308).

Public servants with delegated authority either to sign or issue documents entrusted upon them for legitimate use sometimes abuse this privilege for personal benefit.

15. Forgery of Official Act/Forgery and Counterfeiting

Any public servant, notary, public auctioneer, bailiff or process server who falsely makes or alters, whether in its substance or in the dates or signatures of parties or witnesses, any deed entry or other writing which is in his duty to draw up a record, certify or service shall be punished (S144).

Whoever forges the Great Seal or makes use of such seal shall be punished (S201);

Whoever forges or alters any security issued by the public treasury under its stamp or mark or makes use of any such forged or altered security shall be punished (S202);

Whoever forges or alters, whether in its substance in the signatures of parties, or witnesses, or in dates any private document having effect of an obligation, discharge or disposition, shall be punished (S314).

There are reports of documents such as university degrees, business licences, and customs declarations being forged in large cities. As a result, there are people moving about with fake certificates, degrees, diplomas and qualifications which are not merited. They rob others of their well deserved credit.

Where public officials have not been bribed, they may have been negligent to scrutinize what is presented to them by frauds as justification for getting services (Ethiopian Herald, 31/8/95).

Items that can be forged are, inter alia: signatures; stamps; punches (seals); marks; stationery; public acts; documents; records; licences and similar documents; official certificates; postage and revenue stamps; postal documents and colourable resemblances.

16. Receiving/Fencing

Whoever holds or disposes of anything procured by commission of misdemeanour, whether knowingly or having reason to suspect the criminal origin of the property shall be punished (S324).

Receiving is accepting stolen property knowing fully well that it has been stolen. Fencing is the act of providing an outlet for the buying and selling of stolen merchandise.

The crime of receiving can manifest itself in two ways: either the public servant welcomes the person who has stolen or s/he receives the property that has been stolen.

Public servants who have been caught breaking this law are police and custom officials who seize smuggled and stolen properties, store them in their homes and later transfer them to personal use. Some have been involved in the sale of the items they could not use personally.

It has also been reported that high level police officers have run and protected gangs of armed robbers to the extent of supplying them arms, to commit burglaries. The state loses a lot of revenue through such illegal practices.

17. Bribery

In West Africa, the crime is known as **dash**; in Latin America as **la mordida** (meaning "the bite"; in Italy it is known as **la bustarella** i.e., "the little envelope"; in France it is **pot de vin**; Americans call it **grease** (Coleman, 1989), while in Kenya it is **chai T.K.K.** (Tou Kitu Kidog (Ethiopian Herald, 8/2/96)).

Bribery is categorized by Criminologists on the basis of intended target. They draw a distinction between bribery of private firms and individuals and that directed at government employees. Sociologists, on their part, include payoffs made to win government contracts in the same category as payoffs made to private business for the motivations and modus operandi of the offenders are identical. They also distinguish between commercial bribery intended to promote sales or obtain confidential business information and political bribery intended to influence government policy.

Bribery manifests itself when public employees cannot meet their basic needs (food, shelter, clothing) within the confines of their legitimate salaries and turn to acts of bribery as a survival mechanism. Public servants who accept bribes encourage people to have everything they want provided they can be paid in the process. Okara (1994), expresses his disgust with bribery in:

money can take you where you want to be - top of the ladder...without working hard and honestly for it, why bother about the humbug called public morality, accountability, and all that trash about spiritual attributes...why bother. It is money that counts (Okara, 1994).

18. Misappropriation of Public Funds

Whoever by any means takes or keeps dishonestly, any property, moveable or immoveable belonging to the state or any authority or corporation, either public or subject to the administrative control of the state or in which the state holds directly or indirectly, the majority shares shall be punished (S184 sub (1)).

Misappropriation of public funds occurs when public officials responsible for the administration of public resources siphon them to personal pockets.

19. Embezzlement

Embezzlement is the chiselling of employees, for their own use, of assets entrusted to them (Ade, 1990).

This is another aspect of corruption, where public officials collect state funds by using forged receipts and fake documents to withdraw monies from state accounts. Embezzlers usually are well placed in their job environments, so their action is hardly explicable.

20. Corruption

Any [public] employee in receipt of any form of emolument, who without the permission of his employer, receives any gift or accepts any promise for doing or omitting any act of his employment shall be punished (S312)

Corruption as a public sector crime in Africa has received attention at various levels (United Nations, 1993; Obasanjo, 1994; Frisch, 1994; Soley, 1994; Babalola, 1994; and Okara, 1994).

Simply defined as "misuse of public power for private and personal benefit" (Obasanjo, 1994:24), the act of corruption may not be immediately detected as it is performed in complete secrecy.

Corruption manifests itself in different forms. It can be seen in small bribes paid to traffic police along the roads, it can be given to low ranking clerks behind their desks in public offices, it can be paid to the tax collector for reduced levies or total write offs, or it can be paid to the custom officer for reduced or no charges for shipment of things.

Whatever the means of transaction, corrupt practices undermine the rest of the population's confidence in the public service. It produces an atmosphere where people lose faith in the capability and ability of the Criminal Justice System to serve and protect, especially when they turn in apprehended offenders who immediately after, are sent back to the community without being tried.

The occurrence of corruption, be it "grand" or "petty", has been explained within the context of some theories, namely: the African Culture of Appreciation; the Big Chief Social Expectation; and the Minimal Remuneration as discussed under the section of Theoretical Framework.

Corruption also creates an opportunity for the wrong persons to be prosecuted when guilty ones go scot free, after giving bribes to people in the public sector to introduce false evidence that would set them free.

The Criminal Justice System suffers a loss of confidence too, when its personnel is corrupt and staff members receive bribes from criminals or in civil matters, when criminals bribe their way into winning cases they should have lost.

Moreover, when employment is on the basis of who knows who, and not on who knows what, there is the unfortunate situation for people to give up hope. They become frustrated and this leads to rebellion as people seek to overthrow the social and political order.

Other variations of corruption include graft (kickbacks), a criminal practice whereby public servants responsible for the offer of tenders and contracts for the execution of public assignments, accept or require commissions for themselves. To recover the amounts lost, the contractors often over-estimate the work or produce inferior work and the ordinary consumer suffers (Ethiopian Herald, 8/2/96).

21b. Police Corruption

Police corruption is the "misuse of authority by a police officer in a manner designed to produce personal gain for the officer" (Ade, 1990).

Police corruption and other misconduct occur in several forms. It was evident where 40 policemen of a major city police force were recently said to have been fired for "bribes, breaking confidentiality, negotiating with offenders, human rights abuses, and breach of professional ethics" (Ethiopian Monitor, 19 - 20/8/95).

20c. Smuggling

The illegal exportation or importation of goods and/or the exchange of currency with the intent to avoid official charges.

Smuggling is most times encouraged by Law Enforcement officers such as customs officers, immigration and frontier police and sometimes the army.

The government of South Africa is coming to grips with abuse of power where the former regime's armed forces helped the National Union for the Total Independence of Angola (UNITA) smuggle and sell ivory to finance war against the central government of Luanda. A commission has recently been set up to probe allegations that the former South African regime was engaged in smuggling elephant tusks and rhino horns from neighbouring Angola and Mozambique. The smuggled goods were transported to the border where they were loaded into trucks and taken to army warehouses. After storage for a period of time, the ivory was sold to buyers who probably knew about the illegal operation (Ethiopian Herald, August 31, 1995).

Impact of Corruption as a public sector crime

Of all the public sector crimes described, corruption has been considered the most devastating in the region. The effects of corrupt on national development are enormous. Not only do they retard socio-economic growth, they force governments to constantly borrow to meet wasted unproductive expenses. In view of this, the study has given the crime much attention, especially as it has been determined by experts:

- that corruption destroys potential effectiveness of all types of governmental progress, hinders development and victimizes individuals and groups;
- that corruption gives rise to injustice and is incompatible with the principle that justice should be administered equitably and fairly;
- that there is need for policies to deal with corruption which should embrace economic and development strategies, general prevention and special investigative and legal measures;
- that there should be genuine concern about the links of corruption to other forms of economic and organized crime and illicit drug trafficking including money laundering; and
- that a strategy should be put in place emphasizing the essential role the UN should play in assisting states in eliminating the scourge of corruption (Seminar on Corruption in government, the Hague, 11-15 December 1989).

Similarly, during one of its deliberations, the Economic and Social Council (ECOSOC) concluded that:

Because the corrupt activities of public officials can destroy the potential effectiveness of all types of governmental programmes, hinder development and victimize individuals and groups, it is of crucial importance that all nations: a) review the adequacy of their criminal laws including procedural legislation, in order to respond to all forms of corruption and related actions designed to assist or to facilitate corrupt activities and should have sanctions that will ensure an adequate deterrence; b) develop administrative and regulatory mechanisms for the prevention of corrupt practices or the abuse of power; c) adopt procedures for the detection, investigation, and conviction of corrupt officials; d) create legal provisions for the forfeiture of funds and property from corrupt practices and, e) adopt economic sanctions against enterprises involved in corruption (Record of the Economic and Social Council, Supplement Number 10 (b) 1990/31, Chapter 1, 5 (c), 1990:29-37).

Curbing Corruption in the region: On-going Strategies

Since the foregoing deliberations, strategies to curb the incidence of corruption in the region, have included, inter alia:

- sensitizing the public to counter the tolerance of corruption. The principle being that exposure might act as a deterrent;
- complementing media efforts with individuals who communicate directly with people regarding the nature and impact of corruption;
- providing sufficient penalties for people who are guilty of corruption and drug trafficking;
- establishing legislation adapted to new forms of economic and organized crime;
- providing for the confiscation of benefits derived directly or indirectly from drugs;
- allowing commissions of inquiry direct access to records of government institutions suspected of involvement;
- reviewing the salaries and retirement benefits of Law Enforcement Officers so there is no enticement to commit crime;
- rewarding private citizens who blow the whistle on corrupt public officials e.g., concerned citizens programmes even amongst employees;
- enhancing the accountability to the public of public officials entrusted with responsibility; and
- using trained social scientists, criminologists, lawyers, and others to collect reliable and valid data on the problems of corruption and drug trafficking.

Impact of Public Sector Crimes

The impact of public sector crimes is felt in the economic, political, moral and educational institutions. It is also evident in the lack of loyalty to national interest.

Economic Impact

Public funds earmarked for economic development are diverted into personal pockets. Hence, projects that are approved are done based on returns netted by approvers, and not on the basis of need. Eventually, potential foreign investors and financial institutions shy away from such repulsive enterprises and many businesses close down. When this happens, economic crises crop up and hit the most vulnerable (children, women, elderly) hardest.

Political Impact

State-sponsored violence evidenced in coups and counter-coups organized by greedy public officials result in political instability that destroys the socio-economic institutions thus stifling development. The process of reconstruction, rehabilitation and social re-integration becomes costly, not only in terms of financial expenses, but in terms of loss of human life. The built-in cost of internally displaced persons can only be measured in terms of expenditures from the international community.

Moral Decay

The ill effects of public sector crime are not limited to sustainable development. The idea of making quick money (something for nothing) by a few crooks shatters the constructive and honest intentions of decent public officials who become stupefied in the process. Those involved in the unethical conduct maintain that they are doing so because everybody else does it.

Educational Impact

It has been found that measurable repercussions exist in the centres of academic excellence. The merits of these institutions have been undermined by the thought that what matters is money. Okara (1994:126) states:

Money power easily gets you your educational certificates, diplomas and even degrees. Secondary School students are now aided by their parents to pay for a fore-knowledge of their examination questions or for assistance in the open examination hall to write their examination. All this is with the paid connivance of the teachers, invigilators or supervisors. This is all happening because corruption has vandalized the system. People have...lost faith in it. Even those who are paid to operate it...(1994:126).

Lack of Loyalty

Public sector crimes have a subtle twist to them that is unmistakably harmful - the weak, virtually non-existent sense of loyalty to national interest. National interest is weak, whereas loyalty to one's own relatives, friends, and fellow villagers or tribesmen remains strong. A lack of real identification with a nation makes fraudulent practices and corruption more likely [emphasis added]. For, if public officials have little commitment to the polity or people as a whole, the concept of public interest will have little meaning for them. Unfortunately, this lack is not compensated for by professional ethos or esprit de corps.

Unlike the "new" quality of African nations that may, with time, diminish so as to allow for a sense of national allegiance, tribal designations seem unlikely to surrender to the effects of time in favour of national allegiance. If this were true, the weak sense of national allegiance will remain in place, as public officials are often heard to denounce tribalism publicly while privately they dishonour their own words and nation by advancing secretly their own tribal supporters. Thus the politics of tribalism, corruption and the sense of

insecurity prevailing among members of the elites and their mutual distrust exacerbate and reinforce each other.

Implications of Public Sector Crimes for the Performance of the Sector

A recent public opinion poll of an international city revealed what the researchers termed "bureaucratic malpractice" so common in the region. The poll, intended to determine the performance of the public sector in that city (name withheld), concluded that there was a lot of waste of public property and that there was rampant administrative inefficiency, bribery and other types of public sector crimes. This is characteristic of the public sectors in the region.

Of the 100 respondents selected from public sector institutions, more than half (55 %) said that it was necessary to bribe a public servant in order to get proper service. More than half (55 %) also said they suspected the existence of corruption of officials in offices outside their own. 57 % of them stated they were certain that public funds were being embezzled and that government properties suffered much waste (Ethiopian Herald, 5/9/95).

PART TWO

PUBLIC SECTOR CRIMES AND DRUG TRAFFICKING

Drug Trafficking is the production, manufacture, distribution and sale of illicit substances as a means of livelihood.

International trafficking in narcotic drugs and psychotropic substances has produced large sums of money for organizers and initiators of the trade. Drug kingpins and their groups are organized and structured to function efficiently within national and transnational economies. Profits derived from illicit drug-related activities are either incorporated into the legal economy of nations, used to perpetuate other criminogenic activities including corrupting public servants to enhance further illicit drug involvement.

Drug trafficking is motivated by profit, which in turn is used to increase further trafficking, thus creating a vicious circle of continuous trafficking. The fight against drug money can break this circle by depriving those running drug rings of their main motivation for doing drugs.

When socio-economic conditions hamper legitimate means to legitimate livelihoods, drug trafficking often steps in as a tempting alternative. More disturbing are Interpol and country reports from delegates to expert group meetings on drug abuse which state that minors are being used for drug trafficking. They show that not only do some African countries serve as transit points, but young people are exploited as couriers and smugglers of drugs.

A 1992 ILO report also stated clearly that drug trafficking had become a worrisome alternative for the rural youth who were struggling with adjustment difficulties faced with frustrations they encountered as they migrated to urban areas considering their lack of training and/or skills for employment.

In the Seventh Meeting of Heads of National Drug Law Enforcement Agencies (HONLEA), experts noted: "[d]rug trafficking is rapidly [emphasis added] spreading throughout Africa (Africa report of October 4, 1994). Illustrations are found in country reports provided to the United Nations International Drug Control Programme (UNDCP) for 1991 and 1992 in which approximate seizure totals make disturbing reading, viz: over 1,000 tonnes [sic] of herbal cannabis; 115 tonnes [sic] of cannabis resin; 1,125 kg of cocaine; 345 kg of heroin; and 12 million methaqualone tablets" (UNDCP).

Validating these findings is the recent case of 4 persons (1 Kenyan, 3 Nigerians, including two women), who were sentenced to 28 years each in the Nigerian Drugs Tribunal for drug trafficking (Ethiopian Monitor, 11/9/95). Televised drug bursts in major cities are equally disturbing.

The United Nations has not only established the existence of Drug Trafficking, but has also shown its correlation with other public sector crimes, notably corruption and money-laundering. Such correlation, the UN states, has made it impossible for the implementation of drug control measures, thus:

in some countries corruption has continued to prevent drug control measures from being properly implemented (INCB, Article 131, 1994:27).

Corruption and Drug Trafficking

Although official figures on the trend of corruption and drug trafficking are scanty and unreliable, the rise against it by the masses and press shows a mounting problem that needs to be contained.

There is evidence that the head of state of an east African country together with three other top government officials have turned their nation into a "major African middleman" in the trade of illicit substances. A recent publication concludes that the Foreign Affairs Minister used a network of businessmen and couriers around the world to smuggle mandrax into this country. The trio (Minister and couple), it is alleged, had spent a year in detention along with 22 others, on charges of dealing in mandrax. They were described as principal actors of a network of drug smuggling and illegal currency exchange.

Consequently, Drug trafficking has grown dramatically in this country since (Name withheld) took office. As a result, the nation has witnessed rampant corruption among police and custom officials, businesses serving as fronts for currency, narcotic smuggling operations, mandrax tablets and heroin entering the country in containers, or by commercial flights, availability of narcotics in the streets, narcotics available in the streets, and bloated civil service personnel.

The "Rampant corruption" among the customs and police officers, and high ranking business came as a result of their being paid, POSSIBLY WITH DRUG MONEY, to look the other way. They then failed to enforce drug trafficking and smuggling laws, shielding offenders from arrest and eventual prosecution.

It is also observed that appointments of the three former detainees, were made because the three compatriots had provided substantial support for the Head of States political campaign (Hammer, 1994).

Money Laundering and Drug Trafficking

Money laundering is clandestinely introducing money derived from a criminal origin, into the legitimate of a respectable business in order to make it look like legal and normal. The process is carried out simultaneously in three steps (Placement, Layering, and Integration).

- "Placement" is the physical depositing of cash through a financial entity or in the retail economy; the on-the-spot conversion of the money so deposited into other currencies; and/or the transfer of such monies overseas.
- "Layering" is the multiplying of the financial transaction, usually between several countries, in order to prevent the tracing of illegal proceeds.
- "Integration" of the income derived from criminal origin under the guise of investments in economic activity to give it the appearance of legality.

Because of the correlation between drug trafficking and money-laundering, the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances of 1988 requires governments to introduce measures to detect and punish money-laundering activities. The adoption of this Convention was the first step toward mobilizing the international community for the fight against illicit drug trafficking. The Convention defines money-laundering activities as serious offenses warranting extradition.

Power(ful) traffickers and their financial tycoons might exert significant influence over on politicians, the media, the judiciary and other segment of society to impose their own laws, including the swaying of public opinion. This is latent in the campaign for non-medical use of drugs propagated by financially powerful trafficking groups. The propagators reckon that with the increase in social acceptability of the non-medical use of drugs, drug abuse would grow thus swelling their pockets.

The international community has established the relationship between drug trafficking and money laundering, in:

there should be genuine concern about the links of corruption ...and ...money laundering (Seminar on Corruption in government, the Hague, 11 - 15 December, 1989).

Preventing money-laundering is a wise move for developing countries because capital from illicit drug trafficking has a strong potential to exacerbate corruption in government as well as in the private sector. Needless to say that allowing proceeds from drug trafficking infiltrate any economy almost always boosts the level of corruption in that community.

The 1988 Convention calls for the establishment of identification and tracing machinery, as well as procedures for making banking, financial or commercial records available, while forbidding States to decline on the grounds of bank secrecy. It stipulates international cooperation to investigate, prosecute and confiscate the proceeds of drug trafficking. It defines mutual legal assistance and encourages other forms of cooperation between legal and administrative systems by recommending less bureaucratic procedures for the exchange of information and data.

Role of the UN in combating Money-Laundering

The following conferences held under the auspices of the UN in 1994-1995 were designed to combat money-laundering:

- the International Conference on Preventing and Controlling Money-Laundering and the use of the Proceeds of crime: a Global Approach (Courmayeur, Italy, from 18 to 20 June, 1994);
- the World Ministerial Conference on Organized Transnational Crime (Naples, from 21 to 23 November, 1994); and
- the Ninth United Nations Congress on the Prevention of crime and the Treatment of Offenders (Cairo, from 29 April to 8 May, 1995).

The two United Nations Agencies that have been given the mandate to combat money-laundering in the region are UNDCP and the Crime Prevention and Criminal Justice Branch. UNDCP mandate arises from the 1988 Convention. For both agencies, their mandates arise from diverse resolutions of the General Assembly, the Economic and Social Council, the Commission on Narcotic drugs and/or the Commission on Crime Prevention and Criminal Justice.

UNDCP action in this regard has centred around providing advice and assistance in matters of legislation against money-laundering and assisting countries such as Nigeria and Mauritius in developing appropriate infrastructure. To facilitate their task, the agency has developed a standard model legislation on confiscation and money-laundering. It is also actively involved in raising awareness among member States of the need for action against money-laundering.

UNDCP, together with the Crime Prevention and Criminal Justice Branch are studying the possibility of developing a global programme of action against money-laundering. UNDCP also provides legal and training assistance in the fight against money-laundering. In this respect, in 1995, in its resolution 9 (XXXVIII), the Commission on Narcotic Drugs allowed the agency (UNDCP) in collaboration with the Crime Prevention and Criminal Justice branch, to provide Technical Assistance to requesting member States in the training of judicial and investigative personnel and assistance in the prevention and control of money-laundering and the illicit transfer of assets.

Regional Strategies for Controlling Drug Trafficking and Public Sector Crimes

Generally, efforts against Corruption and drug trafficking in the region have included, inter alia:

- A Training seminar in Libreville for drug control administrators from Central, Eastern and Southern Africa;

- Legislation on the control of illicit drug trade that has been adopted in Guinea-Bissau;
- Adopting, by Kenyan parliament, a law on narcotic drugs and psychotropic substances to enable the country to fulfil its obligations under the international drug control treaties;
- Enacting, by a few states, new legislation in drug control;
- UNDCP assisting with the preparation of a yet to be adopted comprehensive draft drug control legislation with the governments of Benin, Burkina Fasso, Cote d'Ivoire, Ethiopia, Ghana, Guinea, Guinea-Bissau, Madagascar, Mali, Niger, Senegal, and Togo;
- The Governments of Angola and ten member states of ECCAS (Economic Community of Central African States) are about to adopt the common draft national drug legislation prepared with UNDCP assistance;
- Regional cooperation being promoted between UNDCP and ECCAS and Economic Commission for West African States (ECOWAS) within large scale UNDCP projects;
- Governments of many African States are establishing inter-ministerial commissions for the coordination of drug control activities at national level;
- Strategising for prolonged exposure to drugs during childhood and adolescence as is being encouraged in Cameroon. Plans also underway for recreational structures to be provided, as well as the promotion of physical training for the community, especially for youth; and
- national integration programmes being undertaken to harmonize strategies for demand reduction and the control of supply.

UN Strategies for Drug Control in the Region

The United Nations, in its efforts to help developing nations meet their treaty obligations, and also to deal with problems the countries encounter in dealing with drug control measures, has given increasing attention to technical cooperation in the area of drug control. The first step was the introduction of a special technical assistance programme to extend its activities beyond the treaty quota.

In 1971 came the establishment of a United Nations Fund for Drug Abuse Control (UNFDAC) which provided extra-budgetary resources necessary to fight illicit drug trafficking. Tanzania is one of the countries that has profited recently from the fund's mission to the country for preventive education against drug abuse, strengthening Law Enforcement, improving laboratory facilities for drug identification and control of psychotropic substances.

In 1982, a master-plan was adopted where various regions and subregions were earmarked for assistance in recognition that states needed each other in the fight against drug abuse (since nations were being linked together by the extended arms of traffickers). It included the provision that all contributing and recipient countries be involved in all the phases of its projects against drug abuse. This approach has been successful, but has been limited in its undertakings by the shortage of funds.

The 1987 International Conference on Drug Abuse and Illicit Trafficking paid attention to increasing the scope of participation in the existing treaty system and to promoting strict implementation, at both the national and international levels, of the international drug control treaties. The aim was "to limit the use of narcotic and psychoactive drugs to medical and scientific purposes, to prevent illegal traffic and to promote the accession to those conventions by the greatest possible number of states" (United Nations and Drug Abuse Control, 1987:55).

As for international treaties, states that are party to the treaties that regulate the cultivation, manufacture, production, sale, and use of drugs, through their commitment, accept the legal responsibility to adhere to the provisions of the treaty. They pledge to implement the treaty by their national laws and through administrative channels, in their areas of jurisdiction.

In compliance with the treaty, a state must also enact legislation and establish administrative offices and law enforcement agencies. It assumes the responsibility to report on the texts of laws and regulation enacted in this respect. By so doing, the states are obliged to bring their statutes into compliance not only with the treaty, but with the objectives of international drug abuse control measures. This would allow for the creation of parity of legislative and sentencing clauses relating to the abuse of narcotics and the trafficking of drugs. Member states are also required to provide specific information on the trend of drug abuse in their jurisdiction.

Impact of UN Intervention Strategies

Following this global movement to assist the UN in its drive, Cameroon, for instance, pursuant to its policy to assess the nature of drug use and abuse, conducted a follow-up assessment exercise undertaken during the months of March through November of 1994. Its report showed a monthly consumption of drugs amounting to 100-180,000FCFA (Wansi, et al. 1995).

Consequently, the country has implemented project AD/RAF/928 on drug control. A laboratory for identifying confiscated drugs has also been set up. In addition, there are preventive activities evidenced by the annual World Drug Control Day (June 26). The country has also ratified all international conventions and treaties concerning drug control and has created a National Drug Control Committee by decree #92/456/PM of 24-11-1992.

Responding to a UNDCP*/CCC** joint initiative, Uganda, in 1993/4, undertook a project to raise the awareness and equip customs alongside the police to better tackle the problem of drug abuse. That initiative led to:

- a signed police/customs agreement;
- several drug awareness seminars concentrating on the Entebbe Airport, amidst other places;
- customs being provided with communication and transport equipment, together with drug test kits and forgery detection systems;
- training undertaken in concealment and detection methods;
- a regional intelligence liaison network set up to disseminate and share information on drug traffickers;
- a computerized drug database set up within the Uganda customs;
- a mobile task force formed at the Entebbe Airport, which was responsible, inter alia, for detecting illicit drug trafficking;
- police and narcotic units stationed at Entebbe;
- a police, customs and immigration co-operation agreement;
- police, customs and immigration investigations units that meet on a regular basis to formulate policy and methods of tackling drug abuse, and
- a Ugandan law in the making to provide offenses and reflect penalties more in line with international standards.

***United Nations Drug Control Programme**

****Customs Co-operation Council**

Given these strategies, drug seizures have increased in the country, leading to 553g of Heroin in Entebbe in May of 1993; 760g of Heroin in August of 1993; 20kg of Marijuana in Lake Victoria in November of 1993; and 2,8kg of Heroin in Entebbe in May of 1994. These seizures are significant, (though at a low level), compared to Uganda government's low priority attitude towards illicit substances in 1991. Consonant with Uganda's response to the incidence of drug abuse, a network of twenty NGOs was formed in Kampala this year (1995) to combat drug abuse among youths.

In Sierra Leone, three treaties, with the assistance of the International Drug Control Board, have been signed. Ethiopia and Sudan are now parties to the 1988 convention. A total of thirty-nine African states have become parties to the 1961 Conventions, 35 parties to the 1971 convention and 25 parties to the 1988 convention.

However, not all states are parties to the 1961 Single Convention on Narcotic Drugs, the 1972 Protocol amending it, or the 1971 Convention on Psychotropic Substances. 14 states are still not parties to any of the 3 main international drug control treaties. These include:

Angola, CAR, Comoros, Congo, Djibouti, Gambia, Uganda, Guinea-Bissau, Mozambique, Namibia, Sao Tome Principe, Swaziland and the United Republic of Tanzania. There is, therefore, need for governments to be urged to accede to these instruments.

In this light, the International Narcotics Control Board sent a mission to Nigeria to promote compliance with the provisions of the international drug control treaties. The Nigerian government, as a result, appointed a task force in February of 1994 to streamline and reinforce the National Drug Law Enforcement Agency.

Controlling Drug Trafficking through Publications

The United Nations also issues a good number of public information programmes related to the issues of drug abuse. The following are a selected number of publications on the topic:

- Multilingual Dictionary of Narcotic Drugs and Psychotropic Substances under International Control.

This publication is a comprehensive list of the drugs that are deemed to be dependence-producing and/or dangerous enough to warrant control by the world community.

- Bulletin on Narcotic Drugs.

It is issued four times annually by the Division of Narcotic Drugs. It focuses on special areas of drug abuse control, providing original material and research findings.

- Information Letter.

Published every other month, the newsletter contains current drug control information concerning seminars, conferences, and meetings held in different parts of the world. The letter

includes articles on the progress made by individual states in solving their particular drug problems, and general information about the current drug situation.

- Specific Manuals for Specific Problems.

Nearly every UN body has published booklets to help Governments, government agencies, occupational associations and special interest groups deal with particular areas of drug control. A wide range of subjects and topics are covered such as how to set up a national narcotics laboratory, chemical tests for specific illegal drugs, and drug abuse assessment techniques. These are available free of charge to interested organizations and government agencies.

- Reports of United Nations Bodies.

These are published every year for scheduled meetings, reports on the deliberations and decisions of the UN bodies offering the most updated information. The reports are available free of charge to governments, interested organizations and the public.

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Involvement of NGOs in the fight against Public Sector Crimes

The efforts of the international community and those of governments have been supported, directly and indirectly, by non-governmental organizations (NGOs) and Private Voluntary Agencies (PVAs). The role of NGOs and PVAs in the fight against public sector crimes, especially drug abuse, cannot be over-emphasized.

It has been observed that these organizations are the communicators, the religious and civic leaders, parents, friends, professions and businesses: those who are nearer the actual and potential abusers and therefore, can have the greatest impact on control efforts. It is also said that each of them represents a segment of the greater world society, so must not be ignored. For, if each one of them stands out to prevent its own constituency from abusing drugs, or preventing crime, the message reaches out to a bigger audience, and as the groups in the fight multiply, so does the audience. Together, these efforts can have a huge impact on eliminating public sector crimes and drug abuse and its associated problems in the region.

In recognition of this importance, a 1986 Interregional Conference on the involvement of NGOs in the Prevention and Reduction of the Demand for drugs took place in Stockholm at the invitation of the Swedish government. About 100 representatives, including those from Africa, participated.

In addition to the efforts of NGOs, are those of concerned journalists such as M.B. Daniel, who recently presented a recommendation on how to tackle the drug problem among the youth. In his article, he suggests that the focus no longer be geared towards the 'why' and 'why not' of drug taking, but on "open-ended dialogue, communication, interaction, informal groups, and rap sessions". The goal of education, he continued, should be to "help youth deal with the underlying issue of drug abuse not externally (physiologically or medically) but intrinsically (attitudinal or philosophically) unto themselves" (Daniel, 1996). Educators and others in the helping professions will do well to heed his advice for the benefit of society.

CONCLUSION

It has been seen that Public Sector Crimes reflect society's structure. When public employees cannot meet their basic needs (food, shelter, clothing) within the confines of their legitimate salaries, corruption is adopted as a survival mechanism. Smuggling, which trickles down to tax evasion and finally to corruption is prominent. There is a correlation between drug trafficking and public sector crimes, notably, corruption. It, therefore, suffices to say that public sector crimes are a necessary vice that must be dealt with promptly and in a concerted effort.

Analysis of the problems of public sector crimes could go on forever. Analysis, by its nature is an on-going process as new statistics constantly appear and public policy shifts to meet new social realities. There ultimately comes a time to act.

RECOMMENDATIONS - THE WAY FORWARD

The types of changes necessary to provide solutions require major restructuring of social and economic relationships. If such changes were effected, they will not come about because of the problems of public sector crimes alone, but because of a configuration of many social forces pushing in the same direction. For a change to be initiated, a number of reforms are necessary which include, inter alia:

A. INTERNATIONAL INITIATIVES

1. Creation within the structure of INTERPOL a programme known as the "Public Sector Monitor"

The programme will be charged with:

- collecting current information on Public Sector crimes in the region;
- alerting the international community about any country that is unwilling to submit statistics on Public Sector Crimes in a timely manner;
- maintaining, through INTERPOL, "black logs" of those public officials suspected, tried and convicted of public sector crimes;
- circulating black logs to member states; and
- reviewing quarterly, the trends of public sector crimes in the region and disseminating the profile to member states

2. Provision of Funds

The international community should be ready and willing to provide financial assistance to control public sector crimes, thus:

- The UN, through UNDCP, should fund initiatives at reducing the incidence of public sector crimes that correlate with drug trafficking such as corruption and bribery;
- The UN, through UNCJB, should fund low-cost initiatives of Crime Prevention in the region;
- provide surveillance equipment (hidden cameras, listening devices) to government to investigate public sector crimes;
- provide financial and technical assistance to governments to launch anti-public sector crimes campaigns;
- suspend any type of assistance to states with visible gross public sector crime infringements; and
- set up an early warning alert system to signal eminent danger (gross abuses) in the region for preventive intervention to take place.

B. REGIONAL INITIATIVES

1. Establishing a Regional Public Sector Crimes Council

It is necessary for the region to establish a council of selected experts within any of the UN MULPOCs whose main activities within the region, will consist of:

- conducting extensive investigations on top level officials so as to determine the validity of financial disclosures prior to public servants taking office;
- establishing a regional data bank on each country in the region and transmitting same to INTERPOL. Information contained in this document should specify: i) number of public officials (top level) suspected of public sector crime; ii) number of accused public officials; iii) types of public sector crimes frequently committed; iv) number of officials tried; v) number of persons convicted; and vi) range of sentences;

- drawing up measures of restitution which will include clauses of indemnification. The measures must be strong enough to cover electronic monitoring so public officials convicted do not skip town until the punitive damages have been recovered. In the case of skips, debts must be passed on to surviving family members;
- monitoring and evaluating programmes regularly;
- penalizing countries that are lax in enforcing these provisions by recommending withholding development funds expected from the International Community; and
- establishing links with INTERPOL

2. Establishing within ECA a Regional Tuition-Paid Training Programme for Investigators of Public Sector Crimes

Linked to the ECA Training Centre, the training programme for investigators will be charged with:

- training investigators of Public Sector Crimes;
- organizing refresher courses for investigators; and
- implementing a professor exchange programme for the training of investigators.

3. Establishing within UNAFRI a Regional Liaison Bureau

The bureau will be charged with:

- conducting regularly scheduled conferences, workshops and seminars on public sector crimes; and
- monitoring and evaluating the effectiveness of such seminars, workshops and conferences.

4. Establishing within the AAU (Association of African Universities) a unit of the "Public Sector Monitor"

This unit will focus primarily on researching on public sector crimes in the region. Its activities will comprise:

- transmitting research findings to ECA for dissemination. ECA in turn, will develop the mechanism to ensure that findings reach every country in the region;

- collaborating with regional research groups involved with public sector crime prevention; and
- initiating action that will involve law schools in the review of penal codes so as to better address the problem of public sector crimes.

5. Establishment of a Consultative Unit within the ECA Secretariat

This unit will be charged with:

- organizing annual consultative meetings at sub-regional level, with the heads of the public sector on issues that involve public sector criminality;
- collaborating efforts with NGOs and the Criminal Justice Agencies;
- developing and disseminating proceedings of such meetings;
- developing special sections of proceedings for the electronic and print media for broadcasting and dissemination; and
- producing a documentary on public sector crimes in the region.

C. NATIONAL INITIATIVES

Governments should undertake the development, implementation, monitoring and evaluation of the following programmes:

1. Reward for ethical behaviour

Governments should establish a means of compensating ethical behaviour.

2. Establishment of an Office of Ethical Standards (OES)

Government should establish an office of ethical standards attached to various Ministries of Justice. This office, managed by civilians and working in collaboration with the general public, will monitor and review the performance of public servants. The office will be free-standing, independent of political, social and economic pressure. Its main purpose will be to act as a public sector watchdog.

3. Honest Employee Action Programme (HEAP)

- Governments should compensate top level officials who have continuously fought against any variation of public sector crime in their jurisdictions; and

- Governments should also protect, through legislations inhibiting retaliatory measures, against those employees who turn in their colleagues.

4. Crime Anonymous Programme (CAM)

Governments should establish CAM, through which the police or central administration could encourage civilians to call in their complaints against public servants without necessarily disclosing their names or identities.

5. Public sector crime monitor Stations

Governments should initiate these stations to be manned by specially trained investigators selected among reputable lawyers, magistrates, judges, police officers and other Criminal Justice personnel. Public officials suspected of wrongdoing will be required to report to the nearest station for a hearing. Statements made during the first hearing will be recorded (audio only). Subsequent hearings with the same person are videotaped for evidence. If eventually the suspected official is convicted in the Criminal Justice System, the videotape is used in a documentary that will be televised nationally, and if possible, disseminated to member states.

6. Constitutional mandates

Governments should strengthen those mechanisms that provide for seizure of assets acquired through fraudulent means. Gifts received by public officials while in office should remain state property after they leave office. Perishable items such as goats, chicken, and alcoholic and non-alcoholic beverages should be channelled to:

- state-sponsored events;
- orphanages;
- programmes catering for street children;
- Youth and handicap centres; and
- mental institutions.

7. Salary Structure Review

Government should determine the exact number of staff required for the effective performance of all jobs, weeding out non-productive or bloated staff. After this exercise, a review of current salary structures should be undertaken, and a reasonable compensatory programme put in place. Funds recovered through this process should be used to develop the private and/or informal sector, especially in the areas of agriculture and income generation for the rural populations.

8. Penal Reforms

It is also important to restructure the existing system of penalties and fines because penalties do not presently match the profits derived from Public Sector Crimes, let alone constitute effective deterrents. Thus, offenders should be required to pay a percentage (preferably 50%) of the perceived profit from their illegal activities. The other side of the coin is the preventive approach, where enforcement agents would be placed in a post to make it impossible for Public Sector Crimes to occur. Although this would take many government and private inspectors to constantly monitor the activities of the public sector, it would be a worthwhile effort.

9. Possible Constitutional Conventions

The cancer of public sector corruption in Africa, as we have documented, is so repugnant and so pervasive that mere modification of existing laws would undoubtedly fail to engender the culture of virtue and accountability necessary to appreciably disable the many ugly heads of public sector crimes in the region today. Perhaps it is necessary to model our constitutions upon that of the United States of America. More specifically, African constitutions should excerpt the essential notions of checks and balances and co-equal branches of government that have made U.S. government at the national level the honest envy of the rest of the world. This is not to say that Africans should duplicate the American constitution: they should, however, utilize its ideas -ideas that have stood the test of time.

10. Institution of a Grand Jury System

Constitutional provisions are worthless unless there exists a means to enforce them. The English grand jury system borrowed by the Americans and used so often by them has worked wonders in ensuring a national government. The grand jury employs citizens (in secret) that meet to consider the evidence of wrong doing against any citizen or official and then vote as to whether or not to indict. A public prosecutor, separate and distinct from the executive or legislative branches will help ensure the non partisan enforcement of the law here. The prosecution should probably be an elective office as elective office will tend to ensure the most vigorous application of prosecutorial powers against those who would routinely dishonour the rule of law established by these recommendations.

11. Foreign Ideas Should Be Welcome Where of Utility

The most disturbing issue of expert reports is their preoccupation with erasing all evidence of Africa's colonial past from its laws. This conflicts with recommendation (10) for a constitutional convention where American constitutional ideas are made use of; and (11) for a grand jury system.

It is only too clear that Africans, left to their own devices 30 years into independence, do not yet have a government they can be proud of. The American Revolution commenced in 1776, and by 1789, the government was in place. The Americans in 1789 took the best theories of man and self-governance from Britain and other nations and made them work. The region would do well to learn the American lesson.

12. Rejection of the Culture of Corruption in Favour of the Virtue of Accountability

With the checks and balances of a tri-partite form of separate government branches and a grand jury system, the rule of law should be a reachable goal. Where this is true, the culture of virtue and accountability, which is the African goal, may be aided by establishing governmental political offices premised upon the notion that public service is inconsistent with private gain. This means that government service's remuneration should not be out of line with remuneration to be had in the private sector. Equality of remuneration will entice the public spirited and keep the vultures away. Where, as recommended, the rule of law and the grand jury system are in place, sufficient safeguards will exist to punish anyone in public office who would exploit his/her powers for personal gain.

In addition, as recommended in the International Review of Criminal Justice Policy Nos. 41 and 42, 1993, governments should initiate or strengthen the following policies as a follow up on the recommendations of the Criminal Justice Policy Review process:

1. Legislating Thefts and Associated Criminal Variations

Governments should legislate aspects of theft, conversion and forms of appropriating state property for private use. The International community found that aspects of theft, conversion and forms of appropriating state property for private use were covered in most African penal codes, but what was lacking were those definitions of prohibitions that were broad enough to include "every dishonest method of diverting public resources that a criminal can devise". The community, therefore, proposed that it was not only physical theft that should be punished, but also the unofficial use of the time and labour of public employees and of government facilities and equipments such as computers (International Review of Criminal Policy Nos. 41 and 42, 1993).

2. Statements of Disclosure

Public officials should produce comprehensive records of financial assets, obligations and relationships. A videotape of the physical assets such as land, buildings, equipment, farms, and others, should be deposited with the Ministry of justice, the Supreme Courts, Interpol, or National Security departments. This documentation must be updated as other assets are acquired.

An annual review of all income or public activity or disclosure of income other than regular salary, sale/purchase of any asset exceeding a ceiling value should be conducted. Any gross discrepancies should initiate intervention strategy that would require the person to either explain the discrepancy (direct approach) or be placed under surveillance (indirect approach).

3. Failure to Report Sanctions

Governments should establish policies stipulating sanctions for failure to report or false disclosure of assets.

4. Anti-Corruption Structures

Legislation needs to be put in place to organize structures that would put anti-corruption strategies in gear.

FUNDING FOR THE RECOMMENDATIONS

The ECA should, right away, establish a resource development programme through its Social development unit to solicit funds outside the United Nations body to implement these recommendations. This will enable ECA to undertake the following projects:

1. ECA Consultative meetings
2. Development of a training manual for Investigators of public Sector crime
3. Production of the documentary.

Since the process of developing and submitting proposals for funding takes long periods of time, income generating initiatives (sale of publications, Crime prevention supplies, opening of small specialty advertising shops) should be launched to perpetuate programming. Initial investment capital should come from jointly-sponsored national and regional fund raising events (telethon, dinner dances, auctions).

4. No-interest loans with built-in grace periods of 2-5 years can also be negotiated with financial institutions such as the ADB or the World Bank.
5. Calendars of VIPs in government, Universities, NGOs, Criminal Justice Agencies, business executives, the UN and other international agencies, as well as cultural calendars, Tee-shirts, and brochures with crime prevention tips, are a good source of additional income for programming.

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