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# COMBATING PUBLIC SECTOR CORRUPTION IN BANADIR REGION RECOMMENDATIONS FOR THE FEDERAL ANTI- CORRUPTION COMMISSION

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## ABSTRACT

*This research article sought out to extend our knowledge on the nature of corruption and anti-corruption best practices in order to determine those globally applied anti-corruption best practices that may be replicated and customized by Somalia's anti-corruption commission to combat the purportedly rampant corruption in Banadir public sector. Generally, anti-corruption interventions should facilitate to deter, prevent, detect, investigate or prosecute corruption. Likewise, they may assist in the recovery of looted assets or the extradition of corrupt officials when they try to escape from prosecution. To answer the research questions, non-systematic literature review and descriptive research design was utilized to collect relevant secondary data. Further cross-country comparative analysis was carried out by selecting sources published by such international organizations as Transparency International and the World Bank. I used spreadsheets, flowcharts, tables, and similar data collection instruments. The major findings of this research supported the research questions and confirmed my expectations, but also raised more questions than they answered. Anti-corruption practices discovered were copious, complex and multi-faceted, with many political, economical, social, legal, managerial, and environmental factors. Effective corruption control required the establishment of a comprehensive strategy and the collaborative effort of many sectors in both public and private sectors. One basic conclusion from the results of this study was the prerequisite to legitimately elect strong political leadership committed to combating corruption, to create strong public institutions, and to mobilize key stakeholders in the civil society. The establishment of a mandated, well- resourced and independent anti-corruption commission was essential. Similarly, an independent judiciary with reformed criminal justice system and law enforcement agencies was recommended. And, finally, an objectively hired, well-compensated civil service and the separation of government powers to assure the maintenance of the system of checks and balance may help curtail the corruption in Banadir region. The conclusion of this study established my original expectation and basic assumptions that Somalia may learn from the experience and anti-corruption practices of least corrupt countries and transnational organizations in order to control public sector corruption in Banadir Region.*

**KEY WORDS:** *corruption, graft, anti-corruption, Somalia public sector corruption, Banadir region,*

## 1. INTRODUCTION

Governments around the world face challenges and obstacles that prevent them from achieving national objectives. One major policy issue that jeopardizes the efficient and effective achievement of public goals is corruption, the abuse of power for illicit gain. For example, former presidents and heads of states indicted for corruption in the past three decades include the former presidents of the Philippines, Peru, Brazil, Tunisia, Italy, Indonesia, Ukraine, South Africa, Zaire (now DRC), Nicaragua, Haiti, Egypt, Nigeria, and Israel, Pakistan, the Gambia, Malaysia and the list goes on and on (Jeremy Sandbrook, Integritas360, 2016). Corruption is a global policy issue as no country can be free from corruption because it creates many interrelated and interwoven socio-economic and socio-political challenges

(<https://www.weforum.org/agenda/2016/05/corruption>). Corruption retards economic development by discouraging and reducing investment; it obstructs good governance and the public confidence in the government; it increases poverty and thwarts poverty reduction strategies and policies; it creates and enlarges social inequality rate by widening the wealth and income gaps between the haves and have-nots (Cain, 2007); and also (“Sida ’ s Anticorruption Regulation,” 2004).

For example, according to a recent article published by the Guardian on global development, each year \$40 billion is stolen and transferred from Africa to money laundering financial institutions in Europe, the Caribbean, the Middle East, and North America (<https://www.theguardian.com>). In another survey in sub-Saharan Africa conducted by Afro barometer across 28 countries, about 75 million people reported having paid bribes in 2014 only (“Analysing the anti-corruption approaches of the 26 top-ranked countries An opportunity for a new generation of strategies,” n.d.). Similarly, a previous report published by the Council on Foreign Relations, CFR, on sub-Saharan Africa, 6 of the ten most corrupt countries was in Africa. A study conducted by the African Union, AU, in 2002 reported that more than \$ 150 billion was stolen from Africa, while in 2008 the total amount of aid received from developed countries amounted to only \$ 22.5 billion (<https://www.cfr.org;>). This is an indication that Africa needs to fight corruption instead of asking foreign financial assistance. According to Anti-Corruption Summit in London, 2016, corruption was declared as the Africa’s most dangerous issue to peace and development and even worse than HIV/AIDS, malaria, terrorism, and environmental disasters (<https://www.weforum.org/agenda/2016/05/corruption>).

In Somalia, as reported by U4 Anti-Corruption Resource Centre in 2017, corruption was characterized as a way of life in the country, not only in the public sector but in the private sector as well.

However, the most important problem is the lack of adequate anti-corruption measures in place. Little research is carried out on Somalia’s corruption(Aid, 2013) and also(De Waal, 1993) due to the country’s long civil conflict and the collapse of public institutions. Available documents mostly produced by INGOs such as Transparency International (Transparency International, 2010), Integritas360, GAN Integrity (William Gumede et al., 2011), the World Bank (Dalglish et al., 2011), and the UN (William Gumede et al., 2011) and also (Reno, 2017), focus on the severity of corruption problem in the country and how public officials embezzle foreign aid with impunity.

The problem here is to determine anti-corruption policies and measures for the Somalia’s anticorruption commission to fight corruption in public sector institutions at the capital, Mogadishu so that major national and government goals may be achieved. Reduction in corruption may expedite the realization of sustainable development goals and speed up the reconstruction of the country and state-building efforts.

## 2. Objectives

1. Explore the main causes and consequences of public sector institutions corruption in Banadir Region.
- 2) Briefly assess how international judicial cooperation may contribute to the fight against transnational corruption, organized crime syndicates, financial crimes, and asset return to its owners.
- 3) Determine the general anti-corruption standard practices that Banadir Region can replicate from the rest of the world.

## 2.1 LITERATURE REVIEW

### 2.2 INTRODUCTION

In Somalia, corruption is allegedly pervasive and its negative effects can be perceived in both the public and private sectors. According to Transparency International’s Corruption Perception Index (CPI) annual reports, Somalia is listed at the bottom of all countries and had gained an evil reputation as the most corrupt country in the world. Somalia is ranked below S. Sudan, Syria, Yemen, and every other nation on the face of the earth (Transparency International, 2017). The purpose of this research problem is to explore and propose policy recommendations to Somalia’s anti-corruption agency in Banadir region

### 2.3 Causes and Consequences of Corruption in Somalia

The causes of corruption in Somalia, Banadir area and elsewhere are not well-documented. However, it is perceivable and directly observable because corruption appears to be engrained in Somali society psyche and way of life, due to the countries long civil conflict, lack of proper law enforcement agencies, civil service hire in an arbitrary manner, rather than meritocratically, and poverty. The problem may be exacerbated by the breakdown of

law and order as criminals are freely roaming in most major towns and cities. The government has no jurisdiction beyond few kilometers from the capital because the federal government controls very small area around the capital Mogadishu. As (Ronan, 2017) outlined, available literature examined the relationship between corruption and conflict. Likewise (Menkhaus, 2014) explored how the international community attempted to rebuild the failed state of Somalia and revive the dysfunctional public institutions. The source concluded some success was achieved at local governments which improved to some extent the security and performed some basic services. On the other hand, some obvious causes of corruption in this region include the following:

- Ineffective law enforcement agencies due to incessant violence in the country
- The high employment rate among the youth and the abject poverty in Banadir
- Non meritocratic civil service employment, but recruited on the bases of nepotism, favoritism, ideological inclinations, influence peddling, patronage and any other discriminatory bases.
- Low wages of civil service despite the high security risk they face
- Dysfunctional public institutions that cannot deliver any appreciable services

#### 2.4 Summary and Knowledge Gap

In conclusion, although a vast amount of literature on corruption exists, it mainly focused on corruption indicators, causes and consequences, and policy recommendations. Little research, however, was done on fragile states and war-torn countries anti-corruption strategies (“Tackling Corruption in Fragile States,” n.d.). Specifically, there is a paucity of research on Somalia’s corruption problem (Ronan, 2017). Existing little research focused on the prevalence and the impunity of corruption in both the public and private sectors. For example, GAN Integrity (William Gumede et al., 2011) summarized Somalia’s corruption profile so did the Transparency International in its helpdesk (Transparency International, 2010). The reports emphasized the fact that foreign financial aid was siphoned off by corrupt politicians and how the politicians embezzled funds for reconstruction projects and diverted it for private use (Aid, 2013). They also reported that fighting corruption was essential for international security and counter-terrorism effort (Menkhaus, 2004). They detailed the political corruption in elections, corruption in education and health care, police and military corruption, business corruption, public procurement corruption, civil service recruitment on nepotism and favoritism, illegal charcoal trade and its destructive nature on the environment. Although Somalia was condemned as the most corrupt country in the world, there were no policy recommendations as to how Somalia should fight corruption. The

current research attempts to bridge this knowledge gap by analyzing and suggesting some policy recommendations to assist anticorruption agencies in Banadir to reduce the prevalence of corruption in the region and to prosecute corrupt public officials. It could also be suggested how ill-gotten gains could be recovered through whistle blowing, international judicial cooperation, and through Somalia’s traditional clan system.

### 3. RESEARCH METHODOLOGY

The current research will utilize descriptive research design by carrying out non-systematic literature review to analyze secondary research data. The data will be gathered by doing cross-country comparative analysis and case study analysis in order to gain insights of the methods and strategies implemented to control corruption. These methods were chosen because other data collection methods will require exhaustive resources, inaccessibility of interviewees and experts, availability of Somalia government reports and/or adequate previous research done in this area.

### 4. RESEARCH FINDINGS

1. Corruption is a global challenge and no country is 100% corruption-free.
2. Corruption has many forms and types and is not easy to define measure. Forms of corruption include *bribery, kickbacks, extortion, blackmailing, embezzlement, influence peddling, patronage, nepotism, favoritisms, cronyism clientelism, and conflicts of interest.*
3. Corruption is rampant in the least developed countries particularly sub-Saharan Africa.
4. The causes and consequences of corruption are bi-directional causality, consequences become causes again.
5. There are worldwide common anticorruption standard practices.
6. The least corrupt countries reported by Transparency International from 2015 to 2018 have much in common. For example, the relatively clean countries such as Denmark, Singapore, and Sweden have open societies whereby information freedom is observed, governments are democratically-elected, have developed economies with high GDP per capita income, social inequality rate is low, enjoy higher literacy rate, and have effective and strong public institutions. The most corrupt countries, in contrast, are mostly ruled by autocratic leaders who hang on power for decades, are economically underdevelopment, basic freedoms and human rights are consistently violated, poverty is chronic, political and internal security is volatile, corruption is rampant, have weak public institutions that cannot deliver the most basic services, social

inequality rate is high, and society has little confidence in government.

7. Corruption is rampant in Somalia and almost no sector is clean due to many factors unique for the country. Political corruption in elections, non-meritocratic recruitment of civil service and appointment of politicians on nepotism, cronyism, political allegiance, embezzlement of public funds and finance management, unlawful access to classified information, discrimination in public service delivery such as health care, education, licenses and permits, foreign aid diversion, public procurement management and contract award, land and property management, non-professional police and military, and inequality before the law with unfair administration of justice at law courts.

Causes of corruption in Somalia include the following.

- 1) Lack of fair and free elections to win public office; sham elections, vote rigging, and vote buying;
  - 2) Breakdown of law and order with weak law enforcement agencies;
  - 3) No serious sanctions for corrupt people, they act in impunity;
  - 4) Erosion of public officials ethics;
  - 5) Limited checks and balances in performance of public officials;
  - 6) Complicated and cumbersome administrative procedures;
  - 7) Poor control of assets, incomes of powerful public officials;
  - 8) Many loopholes in regulations governing public capitals and asset management;
  - 9) Weak transparency and information disclosure in public agencies;
  - 10) Weaknesses in human resource promotion and appointment;
  - 11) Low salary of civil service;
  - 12) Lack of press freedom, transparency, and accountability;
  - 13) Lack of participation of civil society groups in the fight against corruption.
  - 14) Politicians under social pressure to act unethically and to use the public office as a milch camel.
8. International cooperation has significant contribution to fighting corruption and embezzled assets repatriation. Judicial cooperation in money-laundering, asset recovery, and extradition of escaped corrupt officers to stand trials in Somalia. Developed countries cannot be completely exonerated from the corrupt countries' problems. The financial systems and business corporations of these countries play an important role in the embezzlement process of African corrupt leaders' ill-

gotten gains. They are accomplices in the money-laundering crimes and usually did not return most of the stolen assets to their rightful owners, even when it is revealed. For example, Denmark has been at the top of CPI report in as many years. But it was just very recent when its major bank, Danske Bank, was implicated to Europe's largest money-laundering cases with an estimated of €2.8 billion of suspicious transactions involved in Azerbaijani sources.

Little or nothing was ever returned to Africa by the billions of dollars embezzled by such African dictators as Kaddafi of Libya, bin Ali of Tunisia, Sani Abacha of Nigeria, Yahya Jammeh of Gambia, and Mobutu Sese Seko of former Zaire, now DRC, just to name a few.

### 5.RECOMMENDATIONS/Suggestions

A number of recommendations may be derived from the above conclusions. The recommendations focused on the wider picture of establishing strong public institutions and carrying out a number of reforms in government, society, and the private sector. Corruption and anti-corruption require never-ending fight as corruption can never be eradicated. It can only be reduced. It is time and country-specific. Each situation is unique and needs customized solutions.

- Political leaders with legitimate claim to authority can come through free and fair elections;
- Declaration of private assets of public officials and their families and close relatives and also requiring them to sign a code of ethics
- The creation of strong public institutions to deliver public services;
- Observe the separation of powers of government to maintain the system of balance and checks;
- Criminalize the corrupt behavior and pass effective anti-corruption laws;
- Create the offices of ombudsman and other parliamentary oversight agencies to monitor and evaluate other institutions and recommend corrective measures;
- Reform the public service through meritocratic and objective hiring by appointing professional and qualified personnel, rather than employing personnel on nepotism, favoritism, ideological and political affiliations, cronyism, and influence peddling.
- To pay salaries regularly and establish pay increase and promotion criteria;
- To reform the judicial branch so that independent judiciary with trustworthy,

legitimate, and effective criminal justice system is established;

- proper training and compensation of judges, prosecutors, and correction officers;
- creation of professional legal organizations and establishing the whistle-blower protection;
- promotion of open society with information freedom including free press;
- Promotion of civil society organizations to actively participate in fighting corruption and be consulted with other important decisions;
- Seeking international assistance to repatriate embezzled public funds and requesting extradition of corrupt officials to discourage the occurrence of widespread corruption in the country.

In conclusion, fighting corruption in Somalia requires strong political will and honesty leadership who establish effective laws, responsive public institutions, independent judiciary and law enforcement agencies, and educated and orientated society with a culture of zero-tolerance against corruption. This culture should become ingrained into the Somalia's psyche and way of life. Naming, shaming and blacklisting corrupt officials may also deter them from perpetrating corruption. Punishing both the bribe giver and taker, and denying the bribe taker to get away with the ill-gotten gains may make corruption a high- cost, low- benefit endeavor.

## 6. CONCLUSIONS

The current research analyzed the corruption and anti-corruption in order to gain insights about the severity and impact of the problem. The motivation behind this study was to contribute to the alleviation of Somalia's public sector graft in Banadir region that gave our country an evil reputation and depleted the citizens' trust and confidence in public institutions.

I discovered that corruption and anti-corruption was broad multidisciplinary subject which may be central to the study of public administration. On the contrary, the problem required a well-established system to deter, detect, investigate, and sanction corruption. That system required strong political will and leadership coupled with a number of reforms including the society's values, customs, and norms. In other words, ethical society with zero-tolerance for corruption and fully mobilized and orientated to participate in the fight was what could partially control the problem or mitigate its impact. In addition to this, international cooperation in the fight against corruption, especially money-laundering, cross-border smuggling of goods and people, and the ratification of international conventions could be a recipe for a cleaner, more ethical world..

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