

ANTI CORRUPTION EFFORTS IN ETHIOPIA

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Abstract

The presentation document contains the major facts about the on go-going anti-corruption campaign in Ethiopia, mainly in federal public offices & enterprise. It discusses the causes, manifestations & consequences of corruption & impropriety in relation to the Ethiopian context & the existing objective reality. It also illustrates the strategies & mechanisms being employed to curb corruption.

The historical background of corruption in Ethiopia & the reasons & justification behind the establishment of Federal ethics & anti-Corruption Commission are also discussed. The commission's structural organization, Powers, duties, objectives also fully dealt with.

The major tasks accomplished & the achievements made by the challenges faced & the appropriate solutions provided for solutions provided for those challenges are also covered in document.

Biography of Presenter

Mar 25,2003 to date

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Nov.16, 2000-Mar.24, 2003

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1. Introduction

Five solid years have lapsed since the Ethiopian Government started to tackle corruption and impropriety at all levels by establishing the Federal Ethics and (FEACC) in May 2001.

Since its inception, the FEACC launched a three-pronged (prevention, investigation and prosecution) attack on corruption and some encouraging achievements were made in those areas.

In an effort to raise its performance in fighting corruption in the years to come, the FEACC has found it absolutely necessary to enhance stakeholder participation in the fight against corruption.

Before that, however, some awareness raising and informative programmes must be implemented aggressively so that the public is effortlessly mobilized to fight corruption.

To be actively engaged in fighting and preventing corruption, all stakeholders deserve to be informed about the level, causes, consequences, developments, manifestations and threats of corruption.

They also have every right to get current and appropriate information about the on-going national struggle against corruption. They should also be well aware of the plans and programmes of the Country in dealing with corruption and impropriety.

Having seriously considered such fundamental concerns and necessities, the FEACC found it absolutely necessary to design and implement projects that could raise public awareness on the national struggle against corruption.

This document contains the major facts about the on-going anti-corruption campaign in Ethiopia, mainly in federal public offices and enterprises. It discusses the causes, manifestations and consequences of corruption and impropriety in relation to the Ethiopian context and the existing objective reality. It also illustrates the strategies and mechanisms being employed to curb corruption.

The historical background of corruption in Ethiopia and the reasons and justifications behind the establishment of the Federal Ethics and Anti-Corruption Commission are also discussed. The Commission's structural organization, powers, duties, objectives, strategies, mission and vision are also fully dealt with.

The major tasks accomplished and the achievements made by the FEACC, the challenges faced and the appropriate solutions provided for those challenges are also covered in the document.

2. Manifestations, Historical Development, Causes and Consequences of Corruption in Ethiopia

2.1 Manifestations of Corruption

According to the corruption survey conducted by the Addis Ababa University (in collaboration with the FEACC), fraud, trickery, embezzlement, extortion, nepotism and theft are believed to be the principal features by which corruption has manifested itself in Ethiopia.

2.2 The Historical Development of Corruption in Ethiopia

2.3 Causes of Corruption in Ethiopia

As many scholars and experts would agree, corruption is not a social phenomenon that can be explained by a simple cause/effect model. It is a complicated issue, often the result of many contingent circumstances, which produce varied and wide-ranging effects. Without limiting the generality of this argument, however, one can cite numerous factors that are widely believed to be the major causes of corruption in Ethiopia.

According to the expert analysis of the civil service reform programme and some other sources, poor governance, lack of accountability and transparency, low level of democratic culture and tradition, lack of citizen participation, lack of clear regulations and authorization, low level of institutional control, extreme poverty and inequity, harmful cultural practices and centralization of authority and resources are the major causes of corruption in Ethiopia.

Family and ethnic loyalties and obligations, blurred distinction between private and public interests, privatization, weak financial management, inadequate accounting and auditing, weak legal and judicial system, over regulated bureaucracy, deterioration of acceptable moral and ethical values, unsound policies and inefficient civil service system have also been cited by some scholars and researchers as the primary causes of corruption in Ethiopia.

2.4 Consequences of Corruption in Ethiopia

During the Imperial and the Derg Regimes, corruption is said to have resulted in undermining the legitimacy of the governments and weakening their structures, reducing productivity, hindering development, worsening poverty, marginalizing the poor, creating social unrest and finally speeding up their downfall.

Unfortunately, it has continued to pose threats to the Country's development and democratization processes. Currently, corruption is believed to be one of the major factors that significantly contribute to the reduction of government revenue. It can also negatively affect the on-going poverty reduction programme at the national level.

2.5 Areas where Corruption is Believed to be Rampant

According to the outcome of the corruption survey conducted in 2001, the areas where corruption is believed to be rampant are those where financial resources are transferred from the private to the public sector and vice versa. Other agencies where corruption is believed to be flourishing include those engaged with the allocation of land and government housing, provision of telephone and electric services, granting of loans, licensing and issuance of permits, collection of taxes and procurement of consumable and fixed assets. Customs and excise offices are also believed to be highly affected by corrupt practices.

3. The How and the Why of the Commission's Establishment

Having analyzed the overall situation in the Country in a holistic manner, the Ethiopian Government finalized preparations to reform the social, economic and political formation of the Country based on democratic principles. This holistic reform programme consisted of various components and programmes, one of which was the Civil Service Reform programme. That was how the on-going Civil Service Reform Programme, which, in turn, included the Ethics Sub-Programme as one of its major components, was launched at the national level.

For the Ethics sub-programme (which was mainly designed to tackle corruption and improve service delivery) to be launched, a multi-sectoral research on the level of corruption and degree of efficiency of the Ethiopian Civil Service System had to be conducted. For that reason, the Addis Ababa University (AAU) conducted the research, which brought the sufferings of the Ethiopian public to light.

It was after all these logically coherent preparations that the Ethiopian Government established the FEACC in 2001. Among the preparations made to establish the FEACC were the launching of trainings, drawing of international best practices and lessons, assessment of

needs and problems, development of the Commission's organizational structure and the conducting of national anti-corruption survey.

Representatives drawn from various stakeholders including the media, civil society organizations, religious groups, professional associations and federal and regional government departments were actively involved in the process.

4. The Commission's Objectives, Strategic Plan, Powers and Duties

4.1 Objectives

The Commission has the following objectives:

- In cooperation with relevant bodies, to strive to create an aware society where corruption will not be condoned or tolerated by promoting ethics and anti-corruption education;
- In cooperation with relevant bodies, to prevent corruption offences and other improprieties;
- To expose, investigate and prosecute corruption offences and improprieties.

4.2 Strategic Plan

With a view to discharging its duties and responsibilities effectively and efficiently, the FEACC developed and introduced a four-year strategic plan focusing major attention on six key issues. The six critical and strategic issues which were identified in the development of the four-year strategic plan are capacity building, prioritizing major tasks, establishing an efficient service delivery system, forging strong partnership with pertinent bodies and stakeholders, establishing an integrated information system and fighting HIV/AIDS.

4.3. The Major Powers and Duties

The Commission has, among others, the following powers and duties:

In cooperation with relevant bodies, to combat corruption and other impropriety by raising public awareness about the disastrous effects of corruption and by promoting ethics in public services and among the society. It is also duty-bound to prevent corruption by studying the practices and working procedures in public offices and public enterprises thereby ensuring the revision of methods of work, which may be conducive to corrupt practices. Following the finalization of its studies, the Commission is legally authorized to put forward corrective measures and recommendations and follow up their implantation.

According to Article Seven of the Establishment Proclamation, the FEACC is responsible for investigating any complaints of alleged or suspected serious breaches of codes of ethics in public offices or public enterprises and following up the taking of proper measures. Similarly, the investigation and prosecution of any alleged or suspected corruption offences specified in the Criminal Code or in other laws, where they are committed in public offices or public enterprises, or in regional offices relating to subsidies granted by the Federal Government to the regions, fall within the power of the Commission.

It is also the duty of the Commission to investigate (where there is reasonable suspicion in connection with corruption offences) and obtain information about any bank account of suspected persons and cause the attachment, with court order, of same where necessary. In a similar vein, the FEACC is duty bound to freeze, by court order, the assets of any person who may be under investigation for corruption and cause, through court order, the forfeiture of any assets and wealth obtained by corruption or its equivalent to the state or dispose same by or without public auction.

In cooperation with relevant bodies, the Commission has the legal power and authority to register the assets and financial interests of public officials and public employees compellable

to do so as specified by law. It is also responsible to protect witnesses and whistle blowers and reward persons or offices who are successful in fighting and preventing corruption. The tasks of preparing codes of ethics for public offices and public enterprises (apart from legislative and judicial bodies), undertaking research on ethics and corruption, following up the enforcement of anti-corruption laws, supporting regions and cooperating with similar bodies also come under the jurisdiction of the Commission.

5. Organizational Set-up

The FEACC is comprised five departments, three services and three offices. The departments are identified as Ethics Education and Public Relations, Investigation, Corruption Prevention and Research, Prosecution and Administration and Finance. The Services are also designated as Legal, Audit and Commissioner's Office, the Regional Liaison Office and the Deputy Commissioner's Office are also part of the organizational set up.

6. Approaches to Fighting Corruption in Ethiopia

The Ethiopian Government has adopted the preventive approach as a major course of action and line of thought in its fight against corruption with curative measures reinforcing it. Given the cost-effective, sustainable and participatory nature of this approach, no wonder the government took it as a primary direction of stamping out corruption at the national level.

The FEACC is of the conviction that expanding ethics and anti-corruption education among the public and plugging loopholes in the working procedures of public offices and enterprises are at the heart of preventing corruption offences. It is for this very reason that the Commission is currently launching wide-ranging awareness raising programmes through formal and informal ways.

With a view to preventing corruption before it is committed, the FEACC examines the working procedures in government departments and public enterprises thereby plugging loopholes, which may be conducive to corrupt practices. It has also been taking curative measures to make sure that corruptors didn't get away with their corrupt activities.

7. Major Tasks Accomplished

7.1 Expanding Ethics and Anti-Corruption Education

Since its establishment in May 2001, the FEACC has given ethics and anti-corruption education for about 100, 000 people drawn from various cross-sections of the society. It also facilitated the inclusion of ethics and civic education in the Country's formal education curriculum and the establishment of ethics and civic education clubs in schools in collaboration and partnership with the Ministry of Education.

The establishment of ethics liaison units in 267 public offices and enterprises has also contributed to the expansion of ethics education and prevention of corruption, at least in those offices and enterprises. It also played a significant role in the development of textbooks and other materials on ethics and civic education. Moreover, awareness-raising programmes have been launched through the media.

With a view to enhancing the expansion of ethics and anti-corruption education, the Commission produced and distributed over half a million brochures, magazines, fliers and posters among government departments, public enterprises and the general public at large. It has also been publishing and distributing a newsletter namely "*Guadachin*" among the members of the Commission's staff. In an attempt to inform the diplomatic community, donors, international NGOs and development partners, the FEACC has been issuing another news letter "*Insight*" in English since August, 2006.

7.2 Preventing Corruption

As enshrined in the amended Establishment Proclamation of the Commission, examining the practices and working procedures in government departments and public enterprises and plugging loopholes that are believed to be conducive for corrupt practices is at the heart of the Country's corruption prevention programme. In this regard, the Commission examined the practices and working procedures in almost 50 government departments and public enterprises, put forward corrective measures and followed up the implementation of the recommendations.

Among the departments and enterprises whose working procedures were examined included the Ethiopian privatization Agency, Ethiopian Airlines, Addis Ababa University, Ethiopian Insurance Corporation, Commercial and Development Banks of Ethiopia, Federal Disaster Prevention and Preparedness Commission, Federal Inland Revenue and Roads Authorities, Telecommunications and Electric Light Corporations and the Ministries of Inland Revenue, Mine and Youth and Culture.

Researches were also conducted on procurement and petrol consumption in government departments and public enterprises after which corrective recommendations were given. The Commission was also seriously following up the implementation of the recommendations by the respective departments and enterprises. To make future projects in this area more fruitful and successful, the FEACC developed draft guidelines for prioritizing the examination of the working procedures and practices of public offices and public enterprises in their order of urgency and seriousness.

7.3 Investigating and Prosecuting Corruption Offences

7.3.1 Channels and Mechanisms of Making Corruption Complaints

The FEACC established channels and mechanisms of making corruption complaints. Whistle blowers can present their complaints about alleged corruption offences, ethical infringements and improprieties in person, on telephone, through e-mail, on fax and through post office. Their identity could be withheld upon their request. The FEACC will, in no way, disclose their identity without their permission and against their will.

If the complainants prefer to present their complaints in person, they can directly go to office number 214, which is located on the second floor, and do so. If they want to blow the whistle on fax, they can use 0115536991 and inform the Commission about alleged corruption offences. The e-mail and postal addresses of the Commission are feacedu@ethionet.et and 34798/9 respectively. For those who want to do it on telephone, the FEACC has already set up a new hotline (994) at which they can call and inform the latter about their cases free of charge.

The Commission provided the public and other stakeholders with clear and sufficient information on the channels, mechanisms and procedures of presenting their complaints to it through various publications and the media. Just to outline the procedures briefly, the complaints will be received by officers at office number 214. Then some sort of analysis will be made to check whether the alleged offences are corruption offences or not.

Afterwards, the Commission is duty-bound to identify those cases which come within its jurisdiction and transfer them to the Department of Investigation for further examination and scrutiny. Subsequently, the FEACC will press charges against those cases which are well-substantiated. Regarding the cases which fall out of the Commission's jurisdiction, they will be sent to the concerned bodies and organizations.

7.3.2 Achievements Made

As far as the achievements made through curative measures (investigation and prosecution of corruption offences) are concerned, the FEACC made some encouraging accomplishments in the last five years. So far, it investigated a number of cases and pressed charges against 500

corruptors, about 100 of whom received from 1-19 years of imprisonment. Currently, also, the Prosecution Department of the Commission has some 125 pending cases in the regional and federal Supreme and High Courts.

In addition to other means and mechanisms of detecting alleged corruption offences, the FEACC received nearly 8,000 tips-off on alleged corruption offences (4,500 of which fall within its jurisdiction) from whistle blowers. With a view to encouraging whistle blowers to continue to blow the whistle on corruption and impropriety, the FEACC has been doing everything in its capacity to protect them from any retaliatory actions that corruptors, on whom they may blow the whistle, may pose on them. Many of them were given job security protections in the last four years or so.

In order to provide the protection through a firmly established legal framework, the Commission initiated the formulation of a draft "Whistle Blowers and Witnesses Protection Proclamation". Upon implementation following its approval by the House of Representatives, the proclamation is believed to ensure the physical and job security protection of whistle blowers in a more reliable manner. So far, the Commission has given physical and job security protection to nearly 40 whistle blowers and witnesses.

8. The Role of the Civil Society in the Fight against Corruption in Ethiopia

Currently, there is a global consensus that corruption has become a very serious threat to national and international development, social justice, security and stability. Therefore, the international community has launched a global campaign against it. In this day and age, the fact that corruption is one of the major global problems has been established beyond reasonable doubt. It has particularly become a very dangerous menace to the economic development and democratization processes in Africa.

Consequently, many countries around the world have been desperately trying out different approaches to tackle corruption as effectively as possible. Not surprisingly, a good number of them have found the multi-stakeholder approach to be the most appropriate and preferable way of dealing with corruption and impropriety.

Then, many people around the different corners of the world started asking a question that is worth asking: "Who are the stakeholders?" At least in democracies, the major stakeholders in the fight against corruption include government departments, civil society organizations, media, religious groups and the public at large.

Civil society organizations, in particular, are believed to be the most decisive and key stakeholders in the fight against corruption and impropriety. In fact, it is no longer contentious to say that without the active involvement of the civil society organizations, we would live in a world ridden with much more corruption and impropriety. Especially in democratic countries, the role of civil society organizations is so immense that it has become so difficult to fight corruption without their active participation and involvement.

Among the factors that contribute to their efficiency in the combat against corruption are their political impartiality and closeness to the public. Besides, many of their concerns do not arise out of self-interest or profit-orientation³⁶ but from people who care about the public interest. Further more, civil society is a key for access to diversified societies like ours. By some estimates, some civil society organizations are even far better than some governments in mobilizing the public against corruption and impropriety.

Given these facts and realities, no government in the world that claims to be serious in fighting corruption can underestimate and belittle the role these organizations (whose current annual budget stands at over one trillion) can play in the fight against corruption. If it does (some argue), then it is automatic that it is not serious. Fortunately, however, many countries and governments seem to have realized this objective reality and tend to facilitate the participation of the civil society in the campaign against corruption, rather than hindering it.

In a similar fashion, the Ethiopian Government, which has already declared an all-out war against corruption, expressed readiness at various occasions to enhance the participation of the civil society in the campaign against corruption. That is why the FEACC has been doing its best to enhance the participation of the civil society in the fight against corruption.

To the Commission's conviction, their role in the areas of training, awareness raising and capacity building is particularly immense. The Commission is also doing its level best to remove all obstacles that are believed to be the major hindrances to the participation of the civil society in the fight against corruption. First and foremost, however, civil society organizations must be determined to do away with corruption and unethical practices within themselves. In this regard, the Commission is more than ready to extend support to them if need be.

To our belief, the cooperation between the FEACC and the civil society organizations is needed at all levels in their common quest to curb corruption and impropriety. As it goes in many countries, the FEACC and the civil society organizations can renew and strengthen their partnership step by step. At an early stage in their collaboration, they will have to come together to diagnose the problem, each of them bringing in their special experience and perspective.

Learning from each other's experience in that first phase will help them define the problem and see the underlying issues more sharply, which, in turn, will enable them to develop counter strategies. Finally, a joint approach is needed to effectively implement and monitor the agreed upon measures.

Accordingly, the FEACC has so far launched many consultative workshops (in the presence of civil society organizations) in an attempt to strengthen collaborative efforts with them. It also left the door open for them to present any ideas and recommendations that might help strengthen the anti-corruption campaign.

Most importantly, it has already started working with some of them in the areas of expanding ethics and anti-corruption education and capacity building. Particularly, the FEACC has established a good working relationship with both the private and government media. The FEACC has always been doing its level best to provide them with sufficient information regarding the on-going anti-corruption movement.

The Commission wants to further strengthen its relationship with the media, which is believed to be the most important watchdog for exposing and monitoring corrupt practices and improprieties. In fact, the Commission will do everything in its ability (in collaboration with other concerned bodies) to enhance the creation of vibrant and vigorous media in the country that can help fight corruption with better efficiency.

We also want to reinforce our ties with religious organizations in the years to come. We attach a very high premium on the role the religious leaders and respectable personalities can play in expanding ethics and anti-corruption education among the faithful thereby hindering the spread of corruption. In fact, we have already held vital discussions with heads of religious leaders on how to work together in expanding ethics education in the years ahead.

We also want to boost our partnership with associations working on promoting the causes of the Ethiopian women, who bore the brunt of corruption more than any other section of the society since time immemorial. The youth, who have significantly immense role in shaping the Country in every aspect, will also be encouraged to participate actively in the fight against corruption in an organized manner.

Similarly, professional associations are high in our list of major stakeholders. In our judgment, they should particularly be the Commission's key partners in drafting and developing professional codes of ethics in various areas. The preparation and effective implementation of such codes of ethics will be of paramount importance in preventing unethical and unprofessional practices in various professions and areas of specialization. This will, in turn, contribute significantly to the prevention of corruption at the national level. Therefore, the FEACC is highly interested in working in close partnership and collaboration with various professional associations, which are morally and legally responsible for monitoring and preventing unethical practices in their respective professions.

In a similar vein, the FEACC is more than ready to work in partnership with non-governmental organizations working in the areas of reducing poverty, enhancing development, improving governance, protecting human rights and promoting democracy. In fact, these organizations come at the top of the list of our stakeholders in our fierce fight against corruption.

We consider them to be our most important stakeholders because they are engaged in the most pivotal areas, which are also the cornerstones of the Country's major policies and the Constitution. The spread of corruption will definitely pose a major threat on the realization of their programmes and objectives in the afore-mentioned areas thereby hindering the Country's overall development and threatening its very existence, at the worst. Therefore, the Commission will work in partnership with these organizations to make sure that this won't happen.

To sum up this section, the FEACC has a very strong conviction that the civil society organizations are the most important stakeholders in the fight against corruption. It will, therefore, continue to do its level best to forge the strongest partnership possible with them in the years ahead.

9. Major Problems Encountered

In the course of the anti-corruption campaign, the Commission has faced some problems. Of all the problems, capacity constraints have, up until now, remained to be the most serious and challenging ones. There is lack of skilled work force in all areas in general and in the areas of investigation and prosecution in particular.

Not surprisingly, the complexity of corruption offences and the existence of such capacity limitations have made things very difficult for the Commission in its fight against corruption. The fact that the investigation and prosecution of corruption offences is difficult to carry out using the usual techniques and procedures used to investigate and prosecute other criminal acts has made matters even worse.

To make things even more complicated for the Commission, the judges in the Country do not seem to fully realize the complex nature of corruption and the need for special treatment of it. Had the judicial system in the Country had a common and firm stance on corruption, it would have been relatively easier for the Commission to deal with it more effectively. The low level of public participation in the fight against corruption and the absence of a vibrant media have also negatively affected our performance.

The reluctance that some government departments and public enterprises were showing to produce supportive information that the Commission sought for investigative purposes was also worth mentioning. There were also times when they were deliberately providing the Commission with misleading information. Worst of all, some of them were showing no willingness to implement the corrective recommendations the Commission put forward to seal off loopholes that were believed to be conducive for corrupt practices.

Getting the right witnesses for the investigation and prosecution of alleged corruption offences was also one of the major problems the FEACC faced. Before giving their testimony, many of the whistle-blowers and witnesses wanted to see a reliable legal framework in place so that they could be protected from any danger that corruptors might pose on them. In an attempt to solve this problem, the FEACC developed a draft whistle blowers and witnesses protection proclamation to ensure the physical and job security protection of witnesses and whistle blowers.

We, therefore, seek the support of our partners (donors, governmental and non-governmental organizations, development partners and other collaborators) in the area of capacity building, which, in our opinion, is central to the alleviation of the rest of the problems. It is our strong conviction that the mitigation of the afore-mentioned problems through collaborative and coordinated efforts, compounded with the serious political commitment our Government has been showing to fight corruption, will definitely make the anti-corruption campaign in our Country a success. Together, we can defeat corruption.

10. Conclusion

Since its establishment in 2001, the FEACC made some encouraging achievements in fighting and preventing corruption. It has, for example, done a good job in raising (if not to the desirable level) the awareness of the public on the on-going anti-corruption campaign in the Country. It also revised the working procedures and practices in more than two score of public offices and enterprises.

Having done so, it put forward corrective measures and recommendations to the respective public offices and enterprises thereby sealing off loopholes that were believed to be conducive for corruption. It also investigated a number of corruption offences successfully and prosecuted them effectively. By doing so, it has sent a clear message to corruptors that they should think twice before committing corruption. They have nowhere to hide. It will only be a matter of time before they are brought to justice.

However, the on-going anti-corruption campaign cannot gain more momentum and vigour without the active participation of all stakeholders in general and the Ethiopian public in particular. If more achievements are to be made, all stakeholders must join hands with the Commission in the fierce fight against corruption and impropriety.

Obviously, however, the general public cannot take part in the fight against corruption actively when they are not fully aware of the causes, manifestations, consequences and threats of corruption. The FEACC has, therefore, devised mechanisms of creating public awareness on fighting and preventing corruption at the national level.

One of such mechanisms, we believe, is the publication and distribution of publications like this one. It was for this very reason that we distributed the magazine among the different cross-sections of the Ethiopian public and other stakeholders in the fight against corruption. We very much hope that the magazine will serve its purpose: raising public awareness on the dire need to fight corruption very seriously and decisively.

Finally, we, once again, urge the different cross-sections of the society to join hands with the Commission in the fight against corruption so that the Country's development and democratization processes will stay the course. Failure to do so, will, undoubtedly, have severe consequences for the Country and its people alike.

Together, we can eradicate corruption before it destroys our future and shatters our hopes. Yes, we can do it!