

ACTION PROFESSIONALS' ASSOCIATION
FOR THE PEOPLE
(APAP)

**AN OVERVIEW OF
CORRUPTION IN RELATION TO
THE ETHIOPIAN LEGAL
SYSTEM**

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Ethiopia**

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ACRONYMS

APAP	Action Professionals' Association for the People
ESCR	Economic Social and Cultural Rights
FDRE	Federal Democratic Republic of Ethiopia
FEDERAL NEGARIT GAZETA	A federal law Gazette published under the umbrella of the House of People's Representatives
GIMGEMA	The Amharic word for appraisal
ICCPR	International Covenant on Civil and Political Rights
KEBELE	The lowest administrative unit
SNNPR	One of the regional states in the Federal Democratic Republic of Ethiopia: Southern Nations, Nationalities and Peoples Regional State
WOREDA	Consists of many <i>kebeles</i> and an administrative unit higher than the <i>kebele</i> but lower than zones
ZONE	Consists of many <i>woredas</i> and is an administrative unit higher than <i>woredas</i>. Zones make up the regional state

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EXECUTIVE SUMMARY

APAP has developed a five-year strategic and a three-year operational plan. It has launched the three-year operational plan (2000-2002) consisting of three programs; the Human Rights Education and Training Program, the Community Level Voluntary Institution Support Program and the Research, Advocacy and Publication Program.

To make the interventions of APAP more focused; the strategic plan was developed around an organizing theme, which is 'corruption'. Corruption was selected because it is a legal, human rights and a development issue.

Corruption is a setback to the developing and developed countries. Being one of the countries where corruption is rampant, Ethiopia suffers from its drawbacks too.

Many factors are attributed to the prevalence of corruption but the weakness of the legal system contributes more. Thus, the concern of this research paper is assessing the existing situation of corruption in Ethiopia in the context of the legal framework.

The study is mainly a descriptive one but it tries to explain the relation between the variables using qualitative techniques. Therefore, the study comprises both qualitative and quantitative methods.

The study was conducted in the SNNPRS, Amhara, Oromia, Harar, Dire Dawa and Addis Ababa. But the *zones* and *woredas* that were included in the sample were determined deliberately. A total of six respondent groups, that is, administrative officials, civil servants, the general public, judges, police officers and prosecutors, were made part of the study. Except for the public and civil servants whose number was determined on convenience, the rest were selected on the basis of purposive sampling (Those who were working in the sample sites when the study was carried out were included in the study).

The data collection instruments were questionnaires, interviews, case studies and document analysis.

The study revealed that the weakness of the legal system has contributed to the proliferation of corruption. Hence analysis of the Ethiopian legal system was made. The legal system was reviewed from three points. These were; Relevant Laws, Codes of Conduct and Institutional Capacity.

The study finally specified the role the government, civil societies, media and the Law enforcement and the Judiciary should play in eradicating the problem.

The research paper comprises six chapters. Chapter one deals with organizational experience of APAP, statement of the problem, the objective of the survey, its significance and limitations as well as the contents of the report. Chapter two deals with the research design and the methodology employed to gather information. Chapter three is an over view of corruption while Chapter four and five explain the interpretation of the data collected. Chapter six elucidates the conclusion and possible recommendations.

CHAPTER I: INTRODUCTION

I. APAP's Organizational Experience

Action Professionals' Association for the People (APAP) was established in January 1993 as a non-partisan, indigenous, and non-governmental organization.

The major objectives of APAP include providing legal and professional services to the poor, women and children, accessing human rights and legal information to these groups so as to enable them use the law and human rights to bring about attitudinal change and as a resource in a self-realized development approach.

As of the year 2000, three distinct programs are being carried out in the third phase. These activities are the Human Rights Education and Training Program, the Support to Community Level Voluntary Institutions Program, and the Research, Publication and Advocacy Program.

APAP has launched these programs in Amhara, Oromia, Southern Nations, Nationalities and Peoples Regional States, Harar, Dire Dawa and Addis Ababa. The Human Rights Education and Training Program is aimed at enhancing the capacity of law enforcement officials, the judiciary and community level institution leaders by organizing training workshops on corruption, and human rights. Likewise, the community level voluntary institution support program aims at initiating both voluntary and traditional institutions to embark on human rights promotion and protection activities and encouraging them to add it in their mandate. The Research, Advocacy and Publication program is designed to carry out research activities so as to fill the gap existing in areas of human rights, corruption and the legal system, the impact of corruption on economic, social and cultural rights, as well as women's and child's rights. Moreover the program on the one hand aims at initiating the formation of legal professional associations in regions where APAP's programs are operational, and on the other carrying out joint projects on human rights promotion and protection activities along with the existing legal professional association and with the associations which will be formed. The program also aims at producing popular education materials, including leaflets, posters, bi-annual publications on the themes of corruption, abuse of power and human rights. The program also sets out to organize lobbying workshops at the federal and regional level that deliberate on the enforceability of human rights in courts and the enactment of subsidiary laws that redress human rights violations.

2 . Statement of the Problem

Corruption has become a widespread problem throughout the world though it is reported to be a crisis mainly of developing countries. Whatever the cause is, corruption hampers development endeavors and, as a result, adversely affects the lives of many.

Ethiopia is a country where corruption is becoming a serious problem. The Ethiopian government, giving due consideration to the seriousness of the problem, has set out on combating corruption. There is a propensity to bring to justice even influential government officials suspected of corruption.

One major problem related to corruption is the popular misconception about it. Being unaware of its debilitating effect on development, people normally condone corruption rather than fight it. In extreme cases the society tends to shelter corrupt individuals instead of exposing them.

The widespread practice of corruption, on the other hand, is directly or indirectly related to the strength or weakness of the legal system. A stronger legal system incorporating the principles of accountability and transparency does not allow corruption to flourish. Therefore, the existence of corruption could be explained in terms of the absence of accountability and transparency or inefficiency of the law enforcement bodies and the judiciary in tackling the problem.

It is against the backdrop of this problem statement that a study was conducted to find answers to the following basic questions:

1. How do the general public, civil servants, police prosecutors, judges and administrators in Ethiopia perceive the causes of corruption, areas of corrupt practices and reasons for people not to bear witness to corruption?
2. What is the prevalence rate of corrupt practices in Ethiopia and how are corruption cases being handled by the legal system of the country?
3. Are the procedures of the Judiciary, Law Enforcement and Administrative Offices transparent for their respective clients?
4. Are there internal controlling mechanisms in the Judiciary, Law Enforcement and Administrative Offices that buffer the perpetration of corruption by staff members? What are these internal controlling mechanisms?
5. Are there external factors that influence or control the performance of the officials of the Judiciary, Law Enforcement and Administrative Offices?
6. Are the Judiciary, Law Enforcement and Administrative Offices competent enough in controlling corruption?

7. Are there significant differences among subject groups (that is, the general public, police, prosecutors, judges, and administrators) and regions (that is, Addis Ababa, Amhara, Oromia, SNNP, Harar and Dire Dawa) pertaining to all of the above variables?

3. Objectives of the Study

The objectives of the study are:

- To assess the prevailing conditions under which corruption adversely affects or threatens the legal system.
- To gather information about the country's situation with regard to corruption in the context of the existing legal system.
- To point out the weaknesses of the legal system in combating corruption and to suggest possible remedies.

4. Significance of the Study

The study is sought to meet the following purposes:

- Serving as a source of reference for others who would like to know more about corruption in the Ethiopian context as well as carry out further study.
- Indicating measures that should be taken to combat corruption.

5. The Delimitation and Limitations of the Study

The study was limited only to the regions and areas in Ethiopia where the organization that conducted the study (APAP) has been actively working. It was not also possible to include as many respondents as possible due to the limitations in resources and difficulty in analyzing the findings.

Still another major limitation of the study could be observed in the data analysis. In the data analysis there was a compelling pressure to use some quantitative methods in the analysis of the qualitatively collected data whenever making comparisons of findings across selected groups or regions.

6. Report Content

The report is composed of six major parts. Chapter one contains the introduction, which elaborates the experience of the organization that conducts the study, statement of the problem, objective, significance and limitations of the study and the content of the research report. Chapter two briefly

describes the research design and methodology adopted in executing the study. Chapter three outlines an overview of corruption. Chapter four and five deal with the major findings of study. Chapter six illustrates recommendations to fight corruption.

CHAPTER II: RESEARCH DESIGN AND METHODOLOGY

I. The Nature and Type of the Study

The study is basically a descriptive survey. It, therefore, has sought to explore and describe the major variables that are crucial in understanding the relationship between corruption and the legal system in Ethiopia. Apart from giving the descriptive analysis of the considered variables, the study has also tried to explain the relationship between the variables using qualitative methods. Thus, the type of the study is qualitative as well as quantitative.

2. Sampling Techniques

All regions in which APAP is operating were included in the sample. But *zones* and *woredas* as well as respondents were selected deliberately. Below is the table showing the sample population.

Actually Collected Sample Size							
Respondents' Group	Sample Regions						
	Addis Ababa	Amhara	SNNP	Oromia	Harar	Dire Dawa	
Administrators	27	30	38	15	17	18	145
Civil Servants	9	40	39	39	25	12	164
Judges	14	16	4	14	3	1	52
Police	24	19	16	18	14	14	105
Prosecutors	20	17	14	16	4	5	76
Public	35	31	43	41	28	14	192
TOTAL							734
THE REMAINING SAMPLE SIZE: $905-734=171$							

Table I: Planned and actual sample size across the study areas.

Consistent with several previous studies that have been carried out on corruption and the legal system in other countries, six subject groups were identified as primary sources of data for the study. These

were the general public, civil servants, police officers, prosecutors, judges and administrative officials. Except for the members of the first two subject groups selected on the basis of convenience, the remaining subject groups were selected using purposive sampling method that is, all of the police officers, prosecutors, judges and administrative officials who were working in the regional sites of the study were included in the study.

3. Data Collection Methods and Instruments

Generally four major data collection methods and instruments have been used in the study. These were questionnaire, interviews, case studies and content analysis of relevant documents. Though the primary data collection methods and instruments employed in the study were the interviews and case studies, the content analysis and the questionnaire were used to collect important preliminary data on the subjects of the study.

The Questionnaire

A questionnaire was prepared to examine whether the subjects perceive the major variables stated in the literature as important factors in understanding the relationship between corruption and the legal system of a country. As to the content validity of the questionnaire legal experts who have a minimum of LLB degree and research experience in the area of corruption were made to give their comments while their feedback were used as inputs to enrich the questionnaire.

The Interview

An interview was prepared to inquire the relevant subject groups about the corrupt practices and office procedures in their respective offices. The content validity of the interview items was verified and improved by the feedbacks obtained from the aforementioned legal experts who did the same for the questionnaire.

4. Data Collection Procedures

After completing the preliminary correspondences with the administrations of the regions selected for the study (that were essential to get permission and cooperation to conduct the research) the data collection process was carried out in two phases.

Phase one: In the first phase the questionnaire was administered in all regional sites by the assigned members of the research team to the six subject groups in a common examination hall upon completing the test. The subjects were issued the questionnaire to be filled out in their out of work time and sent back after five days to the temporarily established data collection center nearby their

respective residence and working areas. Out of the total of 905 questionnaires distributed to the subjects in all sites of the study_combined, about 81 per cent (734) questionnaires were properly filled in and the findings were used in the analysis of the study.

Phase Two: In this phase the purpose was to collect data about cases of corruption and office procedures in the respective offices of the subjects (the police departments, prosecutors' offices, the courts and administrative offices from all major sites of the study). A total of 378 subjects were interviewed and their responses were used in the data analysis of the study.

The interviewers were members of the research team who were primarily given a 10 days training on how to conduct the interview and related matters relevant to the study. Interviewers were provided with a tape recorder to record every interview they held with each subject assigned to them.

5. Pilot Testing

The accuracy and suitability of the data collection instruments were tested out on about 30 subjects selected from the six regions before commencing the data collection process. On the basis of the results thus obtained, most of the items were retained with minor or no modifications while some of the items were restated and some other were cancelled out from the instruments.

6. Data Analysis

In the study both quantitative and qualitative methods of data analysis were used. More specifically, percentages and two-way ANOVA were used to analyze the test results. Similarly, to analyze the results obtained from the questionnaire percentages and weighted means were used. Finally, with regard to the data collected through the interviews and the case studies, results were analyzed qualitatively, with the exception of the percentages employed to the regions and group.

CHAPTER III: LITERATURE REVIEW

I. Definition of Corruption

There is no universally accepted definition for the term "corruption". Nor there is consensus with regards to its ingredients. Still there is a preference to understand it within contexts.

This uncertainty arises not because the concept is elusive enough to be comprehended. Rather it is mainly the result of its infancy in the intellectual realm and its association with other broad subjects such as development and governance. The concept is still in the process of shaping. Despite this, a number of attempts were made to construe its meaning. Some took a very broad and simple approach whereas others followed a comprehensive one.

For instance, the Encyclopedia Americana (1955) broadly defined corruption to mean "the unsanctioned use of public/political resources and/or goods for non-public ends"(p.22). Similarly the Transparency International (1996) expounded corruption as " the misuse of public power for private profit ".

The World Bank also defined corruption in its on-line excerpt "Corruption and economic development" to mean,

The abuse of public office for private gain. Public office is abused for private gain when an official accepts, solicits, or exhorts a bribe. It is also abused when private agents actively offers bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets, or the diversion of state revenues (World Bank, 1997, p. 8).

Though the definitions mentioned above are composed in different words and follow distinct approaches, in essence they are similar. The basic constituents of corruption are alike in all that is, corruption occurs within the public domain, public officials perpetrate it, it pre-supposes misconduct and it is committed in consideration of personal gain or profit.

2. Causes of Corruption

Getachew Reda (1998) referring to other's findings wrote that economic deprivation, system-related causes and culture-related factors are the major causes of corruption. He expressed economic deprivation quoting the findings as, " the rise in prices, increase in wants, the escalation of economic competition, the struggle to maintain one's family's lives, and the terrific economic straits one may find himself in ...etc. When an official finds himself in such a situation, chances are that he will compromise his honesty for some fringe benefits" (p. 5).

The proliferating role of the government in private business, the growing significance of tax policies for effective business functioning as well as the widely growing international business operations in areas where government policies and regulations are more vital are all corruption-subject areas related to system as noted by Getachew.

He indicated that in the cultural sphere, corruption is connected with some societal norms (which highly appreciate material success), rapid social as well as economic modernization, which seeks mainly achievement-based norms. According to Transparency International Source Book corruption is attributed to poverty, prosperity (wealth) and to cultural traits in some instances. The World Bank's Article entitled "Corruption and economic development" described corruption-leading factors as contextual, rooted in a country's policies, bureaucratic traditions, political development and social history.

3. Manifestations of Corruption

Corruption manifests itself in the social, economic and political lives in a variety of ways. Corresponding to the survey of the Transparency International national "chapters" conducted in 1995 corruption within the public sector affects similar areas be it in developing or developed countries.

3.1 Institutions Susceptible to Corruption

Studies conducted in many countries indicate that some institutions are more prone to corruption than others. Corrupt practices are recurrent in institutions involved in the collection of government dues and which exercise discretionary power on the rights and entitlements of people. Institutions involved in accepting payments for the governments in return for acquiring goods and service also face higher possibilities of corruption. The very nature of these institutions involves their employees in making decisions having direct or indirect financial implications for their clients or beneficiaries. This poses the ever-present temptation on the part of employees to secure benefits for themselves.

In a paper presented at a panel discussion on the Effect of Corruption on Development, three types of institutions were identified to be more susceptible to corrupt practices: Institutions collecting revenue, financial institutions and construction related institutions (Mesfin Girma, 1999).

Another research paper authored by Deputy Commissioner of the Ethiopian Civil Service Commission identifies some areas which are prone to corruption. These include government procurement, buying of customs duties, tax decisions, traffic police, immigration, licensing and issuance of permits and monopolized distribution activities. Corresponding government institutions include: Customs authority, Inland Revenue, Investment and Business licensing, Road Transport (issuance of driving licenses), Rental Houses Administration, Standardization Agency and Municipalities. Generally discretionary powers and

the involvement of monetary interest in the operations of government institutions seem to be the major elements that make institutions corruption prone (Atkilt, 1999)

Stapenhurst and Sedigh (1999) indicated, "Corruption occurs in some key areas regardless of the political structure or level of social and economic development. In general, malfeasance is most likely to occur where the public and private sectors (broadly defined) meet, and especially where there is a direct responsibility for the provision of a desired service or the application of specific regulations or levies" (pp. 2-3)

3.2 Recurrent forms of corruption

Although corruption manifests itself in many ways, some seem to recur in every system. Sedigh and his colleagues quoting the IGG's (Inspector of General Government) presentation at a World Bank seminar held in November 1999 identified the following seven prevalent forms.

- Case 1: Misdeclaration of goods...
- Case 2: Payment authorized for work never done...
- Case 3: Fraudulent claim by a construction company...
- Case 4: Mismanagement of a cooperative transport union...
- Case 5: "Ghost Workers" in the public service...
- Case 6: Manipulation of bids for pre shipment inspection service...
- Case 7: Misappropriation of aid funds...(pp. 186-7)

To conclude:

Corruption, and its forms and mannerisms, is, therefore, not unique to any one country. Corruption, in China, where many bureaucrats have 'commercialized their administrative power', is really no different from the one in Europe, where political parties have taken huge kickbacks for public works projects (in Italy, the cost of road construction has reportedly dropped by upwards of twenty percent since the "Clean Hands" assault on corruption). Slush funds have been established in Swiss bank accounts for illicit political party financing, and suspicions are that these funds have been "leaked" into private pockets. Kickbacks, too, have been paid to political parties for defense procurement, and companies have wined, dined, entertained and bribed officials (especially across international borders) to obtain business both illegally and unfairly, and not infrequently with disastrous consequences. In Britain, conflict of interest scandals implicated Members of Parliament ...British politicians have fallen from misjudgment rather than criminal deeds; however, in continental Europe—including Belgium, Italy, Austria, France and Spain—any number of political figures are being actively investigated (TI Source Book, 1996)

4. Impact of Corruption On Human Rights

Literature is scant or may be, does not exist that directly establishes the relationship between the impact of corruption and human rights. However, a number of authors mention about the serious economic, social and political adversity it causes to a nation and its population, which directly results in violation of fundamental human rights and freedoms. Corruption hampers the development endeavors of a country by reducing domestic and foreign investment, which ultimately reduces economic growth (Wei, 1999)

Though the economic costs of corruption are difficult to measure, some of the identified harm cited by Stapenhurst and Sedigh (1999) taking Uganda's experience are:

- A 3 to 10 percent increase in the price of a given transaction to speed up the delivery of a government service;
- Inflated prices of goods as much as 15 to 20 percent higher as a result of government imposed monopolies;
- A loss as much as 50 percent of government tax revenues because of graft and corruption; and
- Excessive charges to governments for goods and services because of over billing on procurement contracts or the purchase of expensive and unnecessary items with governments paying 20 to 100 percent more than necessary (p. 4)

As discussed by Wei, quoting Tanzi- Davoodi findings, the consequences of corruption are

(A). Corruption tends to increase the size of public investment (at the expense of private investment among other things... (B). Corruption skews the composition of public expenditure away from needed operation and maintenance towards expenditure on new equipment. (C). Corruption skews the composition of public expenditure away from needed health and education funds, because these expenditures, relative to other public projects, are less easy for officials to extract rents from. (D). Corruption reduces the productivity of public investment and of country's infrastructure. (F). Corruption may reduce tax revenue because it compromises the government's ability to collect taxes and tariffs though the net effect depends on how the nominal tax rate and other regulating burdens were chosen by corruption - prone officials (p. 11).

Referring to others findings, Wei scrutinized that corruption also has an impact on urban bias and poverty. Poverty implies that some basic necessities of life are not fulfilled. Obviously poor people do not have access to health facilities, education and other basic necessities. Corruption makes this situation shoddier because poor people will have less means to bribe officials and less political power.

From the experience of Uganda, Sedigh and Rusindana (1999) discussed the political impact of corruption as:

Widespread, systematic corruption can undermine the legitimacy of the public section and foment political instability. As corruption erodes confidence in political leaders and institutions, the government becomes less able to rely on the cooperation and support of the public, and it increasingly resorts to force and coercion. The resulting social unrest often leads to civil strife and violent change of government that can subvert, or even reverse, decades of hard won development progress (p. 183).

5. International Efforts In Combating Corruption

5.1 Conventions and Declarations

Much has been said about the adverse effect of corruption on the political, economic as well as development efforts of countries. Of all other criminal acts, corruption is the most difficult offence to detect. Since it is practiced in most subtle ways, it would require painstaking effort to gather evidence to bring the alleged offender to justice. This of course hinders the fight against corruption and there by creates a fertile ground for it to flourish. The combat against corruption requires the political will of national governments. They should be in the front line in the fight against this social ill. The fight against corruption requires international commitment and cooperation, because the web of corruption, transcends national borders and involves trans-national corporations that amass profit through illicit means.

According to the report of the World Bank (1997) UN has adopted a declaration against corruption and Bribery in International Commercial Transactions. The report also recalled that in February 1996, the General Assembly of the UN recommended the Economic and Social Council to take measures to stop unlawful payments.

Apart from the UN General Assembly and its subsidiary agencies, regional initiatives are also underway in fighting corruption. The Inter American Convention Against Corruption is the outcome of the efforts that have been made by Latin American countries. Twenty-one Latin American countries as well as USA and Canada signed the convention (Paatii et al., 1999).

The other move in the fight against corruption as adduced by the World Bank (1997) in its on-line Article entitled "Helping Countries Combat Corruption: The role of the World Bank" was made by the Organization for Economic Co-operation and Development (OECD) whose effort began in 1994. It

encourages member states to end the “tax deductibility of bribes “ and punish “the bribing of foreign officials”.

Supplementary to this is the measure taken by the Council of Europe, established by Multidisciplinary Group on Corruption, which helped in the formulation of a convention by which parties abide and criminalize certain corrupt behaviors. It also worked on the “administrative” and “civil law” aspects of corruption (The World Bank, 1997).

The European Commission (EC) also espoused a communication to the council and the European Parliament on Union Policy against corruption. This communication launched the EC's comprehensive policy on corruption inside the European Union as well as its associations with non-member countries.

In addition to the above-mentioned efforts in March 1996 the International Chamber of Commerce (ICC) in March 1996 issued revised rules of conduct for international business transactions as disclosed by the World Bank (1997). The rules make extortion and bribery for any intent illegal. They also recommend realization of the 1994 OECD proposal on holding back bribery in international business

With respect to Africans' initiatives to combat corruption, the Global Coalition Forum, which was held in Maputo, Mozambique, in 1997, is the one that deserves to be mentioned. The Global Coalition for Africa (GCA) Secretarial recommendations to fight against corruption include policy and public sector amendment, limiting the unrestricted decision making power of the legislators and officials and supporting government functions. The importance of “leadership” and “political will” as well as the establishment of “autonomous watchdog” agencies was also among the recommendations (Paatii et al., 1999).

Subsequent to the Maputo meeting a preliminary meeting was held on October 8, 1998 followed by the Washington meeting of ministers and senior officials from Benin, Botswana, Ethiopia, Ghana, Malawi, Mali, Mozambique, Senegal, South African, Tanzania and Uganda held on February 23, 1999. The February meeting ended up with the issuance and principles to combat corruption in African Countries (Paatii et al., 1999).

The Lima Declaration, as cited by the authors, is one of the international initiatives made by Non-governmental organizations. The anti corruption conference which was held on September 11, 1997 in Lima adopted the Lima Declaration against corruption. The declaration called on all concerned parties, governments, regional as well as international organizations and individuals to involve in controlling and eradicating corruption.

According to the writers, the Declaration also recommended measures to be taken for prevention and prosecution of corrupt practices. These include enhancement of procurement practices, strengthening

professionals' codes of conduct, improving finance regulations, as well as awareness creation work by governments, schools, and religious institutions.

5.2 Declaration of Assets

Declaration of assets by the leadership and senior officials is considered as a preventive mechanism to control corruption. Countries that use this technique enact laws that require public officials to submit declaration of assets (to offices like those and the "Auditor General" or other institutions established for this purpose) when they assume public office. The declaration of assets in most legal systems requires a periodical updating. Moreover, it is not limited to the asset of the person who holds public office but the assets and liabilities of spouses, offspring and close relatives are also required in most of the cases. Apart from these, they have to specify materials "sold", "donated" or "transferred" to them while assuming power. The legal instrument prescribing declaration of assets could be the constitution of the country or other inferior legislation. Ghana, Uganda, Mozambique, USA, Mauritius and Singapore could be exemplary for countries which impose obligations for public officials to declare their assets (Paatii et al., 1999).

They however argued that declaration of assets, though meritorious, has not helped much in fighting corruption. Its limitations include are mentioned absence of mechanisms to check accuracy of information and the difficulty of controlling the possible transfer of assets acquired by officials through corruption to friends and relatives. (Paati)

5.3 Codes of Conduct

Codes of conduct for public officers

What Paatii and his colleagues mentioned as another effective instrument to assist the prevention of corruption is the establishment of a clear-cut code of conduct for public officers. According to them, the substance of the codes varies according to the functions, purposes or objectives they are meant for. By promoting accountability and transparency, they end up in controlling corruption.

They affirmed that the codes usually contain standards of behavior that outlaw the most blatant forms of corruption such as bribery and fraud; provisions that limit or prohibit conflict of interest transactions; acceptance of gifts and other benefits; requesting or getting preferential treatment; misuse of official or inside information and abuse of state property and information.

Having code of conduct for leaders is practiced based on the belief that they serve as a role model in building an effective national integrity system (The TI Source Book, 1996)

Code of Conduct for Ministers

Paatii and others pointed out that ministers have their own code of conduct to ensure the transparency and accountability while executing government policies. For example the UK Code of Conduct and Guidance is established based on the principles of "integrity", "honesty", and "impartiality in the public functions". The code covers a number of issues including the rules of conduct during overseas travel, rules of protocol while dealing with foreign governments, privileges of their own spouses or advisers, proper utilization of public funds, political impartiality of the civil service and the manner of the relationship between their private interests and their public duties. The code also strictly forbids gift acceptance of ministers from whom he or she would then be obligated. This has been stated in the code according to the writers as, "It is a well-established and recognized rule that no minister or public servant should accept gifts, hospitality or services from anyone which would or might appear to place him or her under an obligation" (p. 14).

Code of Conduct for Judges

The other code of conduct the writers referred to is the one issued for judges. They discussed the American model, which demonstrate standards of behavior expected from judges.

The code of conduct of Federal Judges in the US deals elaborately with compensation handling and specifies that compensation should not surpass a reasonable amount, neither should it go beyond what a person who is not a judge would receive for the same activity. The code, as quoted by the authors, states "a judge may receive compensation and reimbursement of expenses for the law-related and extra judicial activities permitted by the code, if the source of such payments does not give the appearance of influencing the judge in the judge's judicial duties or otherwise give the appearance of impropriety.

5.4 Transparent Financial Management System

Paatii and others mentioned the need for a proper legal framework for government agencies to ensure effective budget planning and execution. This could be in the form of laws, constitutional provisions or regulations, which vary from country to country.

They noted that budget execution law controls whether or not expenses are in accordance with the budget law and other financial legislation and regulation. At the final stage of budget execution are accounting and auditing.

The U.S Federal Financial Management Act is an example of a legal framework for finance. It requires agencies to submit, "audited financial statements" of their activities for the coming fiscal year and examine that they meet the financial reporting standards. Thus, the reporting system established a transparent check and balance system. For instance the Control General in the U.S has the power to set down accounting requirements, systems and information.

The writers added that many countries have a tradition of establishing parliamentary committees known as PACs (Public Accounts Committees) with a power to monitor public accounts. They are responsible for "ex-post supervision" of the process involved in the financial management. So they make sure that public funds are spent for what they were meant.

Another important body in financial management is the Office of the Auditor General (OAG). The Uganda's Auditor General is an instance of OAG's function. It is given the authority by the constitution to audit all public accounts with some exceptions. (Sedigh and Ruzindana, 1999)

5.5 Procurement

Many countries have strengthened their legal framework for the administration of public procurement ever since procurement activities were recognized as potentially prone to corruption. The prominent example is South Africa, having a constitution that entails the existence of a fair, equitable, transparent, competitive, and cost-effective system of handling public procurement. (Paatii et al., 1999)

The authors mentioned that the United Nations Commission on International Trade Law (UNCITRL) has prepared a model law on the procurement of goods, construction and services for it was found out that the governing procurement law in many countries is either inadequate, outdated or non-existent. The Republic of Latvia is among the first countries to acquire a draft law on procurement based on this model. According to this model, "the purpose of procurement legislation is to maximize completion, accord fair treatment to suppliers and contractors, and enhance transparency and objectivity, and in so doing, promote economy and efficiency and curb abuses" (p.33).

5.6 Anticorruption Laws

Anticorruption laws may broadly be classified into traditional bribery legislation and laws on special corruption offenses. Up until the time they were deemed as warranting a special legal framework governing them, bribery and corruption were usually offenses appearing under the comparatively general domain of penal codes (Paatii et al., 1999).

They alleged that the UK parliament enacted the Prevention of Corruption Act back in 1889 stating "for any person to solicit or receive, or to give, promise or offer to a public officer, any gift, loan,

fee, reward or advantage as an inducement or reward for any public officer to do, or refrain from doing an act in respect of any matter or transaction in which a public body is concerned" (pp. 47-8).

According to the authors, the American law is similar to that of the UK 1889 law in that it defines the offense in a similar manner and is also restricted to the public sector. On the other hand, the French Penal Code identifies between "active" and "passive" acts of corruption. Active corruption is committed by that person who "gives or offers" the object of corruption while passive corruption is committed by that person who "solicits or receives" same.

They also discussed the law of Malawi, which exhibits a striking similarity to that of Tanzania. It has a further set of punishable acts which, when committed by public officials or otherwise, who misuse their powers in the awarding of government contracts, become offenses. This law dictates that its provisions are applicable to all citizens of Malawi residing both in and out of the country, which indeed is very doubtful.

The writers noted that the Hong Kong Prevention of Bribery Act makes it an offense for any person to bribe, in kind or otherwise. The accused must show that he had "lawful authority or reasonable excuse" to commit the act so as to avoid conviction. That the act is customary is no defense. It is also an offense to be recipient of a bribe. The law has "extra territorial" application and its realms extend to unexplained wealth and receiving of services as well as procurement related acts of corruption.

The writer observed that fighting corruption is apparently not confined to enacting substantive laws. Rules of evidence are assuming a new trend in connection with offenses of corruption. Hong Kong's Prevention of Bribery Act is exemplary regarding this new development. The age-old principle of presuming the accused innocent until the prosecution proves otherwise is disregarded. A public servant who lives beyond his/her means and who has, under his/her control, resources which cannot reasonably be deemed affordable in light of his/her earnings, must show that his/her wealth is not the proceed of a corrupt act. Only then does the rest of the burden of proof in the case shift to the prosecutor.

Under the Tanzanian Prevention of Corruption Act, courts are empowered to assume that wealth amassed or services enjoyed allegedly through corrupt means, and by a person related to the accused, were acquired on behalf of the accused. The prosecution is thus relieved from proving that these undue benefits were enjoyed by the accused personally. Malawi and Hong Kong laws have striking resemblance (Paatii et al., 1999).

The authors concluded that "Laws alone are of limited value in any anticorruption strategy, if they are not also supported by the requisite measure of political will, as well as appropriate institutions and mechanisms to enforce them" (p. 61).

Nonetheless, the writers showed that anticorruption laws make the following contributions:

- a) Providing for more rigorous punishment than were set out in traditional legislation,
- b) Enabling the "attachment and forfeiture" of wealth gained corruptly, and
- c) Creating a number of legal presumptions relieving the prosecution from difficulties emanating out of burden of proof thereby shifting same to the accused.

5.7. The Role of Civil Societies and the Media in Fighting Corruption

Most writers and practitioners agree that efforts of the government alone could not bring about the intended result without the contribution of civil societies (which in most writings are referred to include all sectors other than the public one) and the media. Lack of involvement on the part of civil societies and the media, according to the survey made by researchers, accounts for the failure of many anti-corruption measures taken by governments. (Kisubi, 1999)

The Role of Civil Societies

For the sake of convenience, unless otherwise stated, the term 'civil society' shall be used in this paper, besides its literal meaning, to refer to the private sector, the NGO sector and ordinary individual citizens.

The need for the participation of civil society is gaining broader acceptance from time to time due to the fact that it has come to be evident that the passing of anticorruption laws and the making of all seemingly appropriate reforms could not succeed unless complimented by the involvement of civil society.

Among the major roles civil societies could play in the fight against corruption, construction (developing and strengthening the ethics and practices of the public sector though identifying tolerable conducts) education and monitoring (raising the awareness of the public on what constitutes corruption, on the harms ensuing from it and on what is expected of them in fighting corruption including the procedures to be pursued), anti corruption schemes (contempt of corrupt practices and condemning corrupt public officials) and role model (refraining themselves from corrupt practices) could be mentioned as revealed by Kisubi.

The Media

The media has a significant role in the fight against corruption. Langseth and his colleagues (1997) agree on the existence of a close association between "freedom of press" and corruption. Hence, the media contributes towards the reduction of corruption by influencing public opinion and by rendering public servants accountable.

They maintained that for the media to play an effective role, it should have a freedom of expression or have a guarantee of unrestricted discussion of public affairs. It should also be free from any kind of interference to serve its proper function. In addition, the media should have access to information lest its role in fighting corruption could be undermined.

6. Recommended Measures

Gray and Kaufman implied that corruption cannot be tackled by a single measure rather it is to be addressed by a set of measures (an integrated approach) the combination of which is to be determined based on practical situations. The following are measures recommended by different writers

1. Political Will - Langseth and others suggested that the government must feel the problem of corruption and must commit itself towards its control.
2. Administrative or Structural Reforms - They also argued that, apart from penalizing wrong doers, different reforms could be introduced. For instance, making civil service salaries competitive, introduction of transparent financial management system, adoption of citizens' charter that clearly shows the procedure to be followed and the time to be spent at each level, disclosure of income, assets and gifts, policy and program rationalization and adoption of improved procurement procedures.
3. Establishing or strengthening of independent 'watch dog' agencies- Kpundeh (1999) added that the institution of independent anticorruption agencies having both educative and preventive components has proved to be an effective tool towards the curbing of corruption.
4. Independence of the Judiciary - With regard to the judiciary, Langseth and others proposed that the Judiciary should be independent so that anti - corruption laws could be effectively enforced.

5. Raising Public Awareness and the role of Civil Society - For Langseth and others, Civil Societies should contribute by assuming an active role in the fight against corruption i.e., making aware the public on the consequences of corruption.
6. Proactive Media - Paatii and his colleagues claimed that a free and independent media serves a lot towards holding public officials accountable and creating awareness among the society.

CHAPTER IV: THE RESULTS OF THE STUDY

THE SUBJECTS' PERCEPTION OF THE CAUSES OF CORRUPTION

In this part the focus is on examining how the subjects perceive the causes of corruption in Ethiopia.

The six groups of respondents were asked to identify their perceived causes of corruption in Ethiopia from among the eight possible causes found from literature. Then, the significant difference between the percentages of respondents within a group that agreed and disagreed to the item was examined statistically. Since the items have only two response categories (i.e. yes or no), there were three common possible findings concerning the test of significance carried out. These were:

1. When the observed percentage of respondents within a group that agreed to an item were significantly higher than the percentage expected by chance alone (50 per cent), the factor stated in the item is said to be accepted by the majority of the respondents and is more common in the group.
2. When the observed percentage of respondents within a group that agreed to an item were significantly lower than 50 per cent, the factor stated in the item is said to be rejected by the majority of the respondents and thus the idea against the item is more common in the group.
3. If the observed percentage of respondents within a group that agreed to an item were neither significantly higher nor lower than 50 per cent, no evidence could be found on whether the idea that agreed or disagreed to the item is more common within the group.

The results obtained from the six respondent groups pertaining to each of the eight causes of corruption are presented in the following table.

Table 2. Causes of corruption

Item No.	Causes of Corruption	Percentage of respondents within a group that agreed to the items as causes for corruption in Ethiopia					
		Public	Civil Servants	Police	Prosecutors	Judges	Officials
1	Low Pay	57.5	69.5*	72.4*	82.9*	86.5*	65.5*
2	Absence of Punitive Measures	85.5*	83.5*	72.4*	61.8*	61.5*	69.7*
3	Lack of Transparency	71.0*	74.4*	71.4*	68.4*	78.8*	67.6*
4	Failure to clearly identify those officials and employees involving in corruption	57.5	46.3	61.0*	43.4	51.9	51.7
5	Lack of effectiveness and expediency in the performance of government offices without corruption.	39.4	26.2	34.3	23.7	32.7	31.0
6	Lack of law that encourages and protects those officials and employees who divulge corrupt practices	87.0*	81.7*	83.8*	81.6*	73.1*	80.0*
7	Lack of appropriate rules and regulations for monitoring and follow up	68.9*	65.2*	68.6*	69.7*	65.4*	64.8*
8	Failure of existing societal values to condemn those officials enriched through corruption.	73.6*	69.5*	70.5*	61.8*	51.9	58.6*

*Significantly higher than 50 per cent at alpha 0.05 level

The above table makes it clear that low pay, absence of punitive measures, lack of transparency, lack of law that encourages and protects those officials and employees who divulge corrupt practices, lack of appropriate rules and regulations for monitoring and follow up as well as failure of existing societal

values to condemn those officials enriched through corruption were believed to be the causes of corruption in Ethiopia according to the majority of members of the general public, civil servants, police officials, prosecutors, judges and administrative officials who were approached for their views.

The other common finding disclosed in the above table was that in the opinion of the majority of the respondents in all of the six respondent groups, lack of effectiveness and expediency in the performance of government offices without corruption was rejected as a cause for corruption in Ethiopia. Furthermore, with the exception of the police officers, the percentage of respondents in the remaining groups who agreed or disagreed to the item that state the failure to clearly identify those officials and employees involving in corruption as a cause for corruption in Ethiopia were similar or about 50 per cent. This means that both of the opposite responses to the item were equally common within each of the five groups.

As most of the causes perceived by respondents were associated with the legal system, an assessment of the system was carried out. The result of the assessment is presented in the next chapter.

CHAPTER V: THE LEGAL SYSTEM

For corruption to exist or not, the way the legal system operates is decisive. This chapter is therefore devised to see how the legal system is functioning. While examining the legal system, one may have to look into the relevant laws, regulations, by-laws as well as the relevant institutions (which primarily include the judiciary and the law enforcement agencies) in light of corruption. In this section, the laws, institutions and their respective role in combating corruption shall be examined.

I. Laws

1.1. The Constitution of the FDRE

Chapter Three of the constitution is entirely devoted to fundamental rights and freedoms of citizens. The FDRE Constitution, apart from expressly stating that it has made the international instruments adopted by Ethiopia an integral part of Ethiopian legal system, has also incorporated nearly all human rights provisions recognized in the international human rights instruments. One of the impediments for the realization of human rights enshrined both in the constitution and international instruments is corruption.

Corruption in one way or the other infringes upon the fundamental rights and freedoms of individuals. It adversely affects all categories of rights. So does it affect the right to development. If, for instance, a person bribes a police officer to detain his rival/adversary and if the arrest has taken place with no legal ground, then the right of a person to be free from arbitrary arrest is violated. Likewise, if public officials misappropriate public funds, it is unlikely to expect a just provision of social services. In such a situation, whatever health institutions are built may not be up to the standard. They may lack the necessary equipments and skilled human resources required for their effective operation. This results in the overcrowding of health institutions. Under such circumstances, people may have access to health services only when they can afford to bribe health officials or have relatives or friends working in the institutions. If individuals are thus denied access to health or any other publicly funded social service only because they could not bribe an official who is in charge of the service, then the rights to be treated equally before the law is infringed. In other words the constitutionally provided right of being protected against discrimination is violated by corruption.

The question, which immediately arises, is whether or not there is any remedy for those people whose rights are violated as a result of such corrupt practices. The only remedy one may think of is to take the matter to the courts or to other relevant institutions.

Regarding this matter, it has been established that the courts have jurisdiction to enforce not all rights, but only certain rights. Most legal professionals agree that only civil and political rights can be enforced by courts. Violations including the right to life, liberty, the right of the arrested, detained and accused person, the right to privacy and the like are rights which can be brought before a court. But this is not the case with Economic, Social and Cultural rights, which the state alone is capable of realizing for citizens provided the resources, are available. This implies that one cannot take issues of Economic, Social and Cultural Rights (ESCR) to court unless the victim ascertains that sufficient resources are available. The latter cannot force the state to implement these rights, either.

It is worth noting here that the approach, which classifies certain sets of rights as justiciable and others non-justiciable, is a misleading one. For instance, in the FDRE constitution there are rights, which belong to the domain of civil and political rights while disputes related to them are resolved through political means. A case in point is Article 39 of the FDRE constitution giving the power to settle disputes regarding the right to self-determination to the house of the federation. Similarly, cases involving election, which is a political right, is bestowed on the National Electoral Board based on the Electoral law. In like manner, it would be a hasty generalization to put a hard and fast rule with regard to the justiciability Economic, Social and Cultural Rights. As long as the obligation of the state is clearly specified in the constitution, the state is duty bound to fulfill that obligation. Its tasks in this regard could be devising appropriate policies, establishing institutions or promulgating laws for the realization of a particular ESC right. It would be erroneous to pre-judge the justiciability of specific rights before it has been brought to the attention of courts. It is up to the courts to determine on case-by-case basis regarding the justiciability of these rights.

As has been said, corruption violates the whole spectrum of human rights. It nullifies, for instance, the principle of non-discrimination and equality before the law. FDRE constitution Article 25 provides “ all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. The law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status”. As a matter of fact the principle of non-discrimination and equality is incorporated in many of the human rights provisions of FDRE constitution. Article 41(3) of the constitution for instance states; “Every Ethiopian National has the right to equal access to publicly funded social services. The issue at stake is whether a person can make a claim to have been denied of equal access to publicly funded social service as a result of corruption. Can he/she lodge a complaint at a court of law seeking redress or remedy?

In principle, the answer is positive because Article 13(1) of the constitution says, “the Ethiopian Courts are empowered by the constitution along with the Federal and state executives and legislative

organs to respect and enforce the fundamental rights and freedoms enshrined in the constitution.” Obviously, courts are empowered to enforce the rights and freedoms in the third chapter of the constitution.”

Articles 3(1) of Federal Courts Proclamation no 25/1996 bestows “jurisdiction to Federal courts over cases arising under the Constitution, federal law, and international treaties...” Art 6(1) of the same proclamation provides that the “Federal courts shall settle cases or disputes submitted to them within their jurisdiction on the basis of the Federal laws and International treaties. As Federal laws include the constitution, courts are therefore empowered to interpret the constitution while they are disposing of their responsibilities. Despite this, applying human rights treaties or human rights provisions enshrined in the constitution to specific cases at the court of law is a rarity.

Apart from lack of awareness of the international documents and particularly the constitution among the lower court judges, the major setback for the non-application of human rights at court of law is the lack of specific legislation to enforce the rights enshrined in the instruments as well as in the constitution. The rights that are stipulated in the international instruments and the Federal constitution are not as much specific as to be invoked by individuals for many of them are too, generally stated, thus it would be extremely difficult to use them to specific cases before the court. (Getachew Assefa, 2000)

In addition, there is practical problem to enforce human rights at the court of law or through other institutions by invoking international instruments. With regard to the problem of the international instruments, except for Child Rights Convention, the Covenant on Civil and Political rights, the Covenant on Economic, Social and Cultural Right, the Covenant on the Elimination of all forms of Discrimination Against Women are not published in the Federal Negarit-Gazetta. Moreover, the documents are not translated in the working language of the Federal government and other vernacular languages. The non-publication of the international documents and the failure to translate them has created problem on courts to take judicial notice. Courts and legal professionals put these problems as major impediments to enforce international instruments at the court of law.

Also a good number of the provisions demanded further state action to be excitable. In the sphere of civil and political rights Art2 (2) and 2(3) of ICCPR make it clear that the realization of the rights put for word in the covenant heavily depends on the steps the state parties take. Therefore the state parties have to work out legislation, which guarantee the remedies for violations of the rights and freedoms. The remedies are determined by competent authorities and enforced accordingly when granted.

(Getachew Assefa, 2000)

1.2. Regulating Laws

An attempt has been made to see whether or not certain regulations leave room open for abuse or individual interpretation. In this regard, legislations that issue licenses or permits to clients have been analyzed.

Experience in many countries has proved that corruption is rampant in offices issuing licenses or permits to clients. The question however remains whether or not the existing by laws and regulations check the activities of officials issuing such licenses. As an instance, one may look into commercial registration and business licensing laws. Such legislation exists at the level of the Federal Government, Addis Ababa/ Dire Dawa, Oromia and Amhara regional states. Except for minor differences, the legislation are similar.

Concerning procedures in securing commercial registration certificate, business license and trade name registration and renewal, the legislation are not ambiguous. They fix a standard fee, while the period within which decisions should be passed on the application is 5 days. Standard application forms, and other requirements that should be submitted or fulfilled together with the application form, are prepared and annexed to the legislation.

The legislation is still adequate with regard to the provisions for denying a certificate, license or registration. It fixes the period within which denial of the application should be notified to the applicant (four to five days). It also provides that the relevant bureau should notify the applicant in writing the reason thereof. Such a provision makes the procedure transparent allowing no discretion to the official. However, the law still failed to indicate the grounds for denial. It therefore gives discretionary power to officials to provide any justification for such a denial.

The procedures related to cancellation or suspension of Registration Certificate and Business License are made as transparent as possible by the legislation. It is provided that before the decision to cancel the commercial registration, the businessperson is entitled to be heard and also to get a certificate of cancellation. The law also fixes the fee to secure the certificate. When the business license is suspended, the appropriate authority has an obligation to notify the license holder in writing the reasons of suspension and measures to be taken to rectify the shortcomings within a fixed period of time.

It is also provided that when the license is cancelled, the license holder is entitled to be heard and the appropriate authority has an obligation to hear the opinion of the license holder. While the provisions mentioned above contain elements of transparency and due process of law, there are also provisions that are open to different interpretations, which create a loophole for the corrupt officials

to act as they may wish. In proclamation no. 67/1997 the grounds for suspension of business license are expressed in broad and general terms. For instance Article 26(1)(a) enumerates, "when the license holder has failed to maintain the standards of health and sanitary conditions, environmental protection, safety measures, the quality of the product or service as confirmed by concerned government institution "and 26(1)(b) spells out, "when the license holder has failed to supply, accurately and on time, the information requested by the appropriate authority pursuant to the proclamation".

The proclamation also provides for the grounds for cancellation of business license. Some of the pertinent provisions are both ambiguous and inconsistent. Article 28(1)(a) empowers the "pertinent authority" to cancel a business license obtained on the basis of false information provided by the holder of the license. The provision does not clearly indicate the appropriate authority that is entrusted to verify the veracity of information furnished by a license holder. Apparently, the provision seems to confer both the power of verification of the credibility of information provided by a license holder and the subsequent power of cancellation of business license on the same authority. This implies that the authority is the investigator, accuser and judge on the issue of false information. This is a wide discretionary power susceptible to abuse.

Coming to Article 28 (1) (b), we find the Amharic and English versions are inconsistent. The English versions of the provision states "the appropriate authority may cancel a business license where the holder there of is found using the license for a purpose other than that for which it was issued or for improper commercial activities".

Accordingly, the English version deems an offence a ground for the cancellation of a business license when a license holder uses his license either for a purpose other than that for which it was issued or for improper commercial activities. In other words either of the two offences results in the cancellation of the business license. As opposed to this, the Amharic version presupposes the existence of the two conditions (using license for a purpose other than that for which it was issued and improper commercial activities) to be a ground for the cancellation of a business license. According to the Amharic version, contravening one of the two conditions never entails the cancellation of business license. In other words, the appropriate authority exercises its power of canceling a business license provided that the two conditions are fulfilled. It is worth noting that the Amharic version is binding whenever conflict arises between the two versions.

Apart from the contradictory versions, the provision contains a vague phrase such as " improper commercial activities " The provision does not define what constitutes improper commercial activities. It is up to the appropriate authority to determine the proper commercial activity from the improper

one. In short, the inconsistency seen between the Amharic and English versions together with the ambiguous provisions create a loophole for arbitrary decisions, abuse of power and corruption.

1.3. By-Laws

In view of finding out how by-laws can pave the way for corruption, respondents were asked to identify the areas of corruption in Ethiopia from among nine possible areas identified in other literature.

Table 3. Areas of corrupt practices

Item No.	Areas of Corrupt Practices	Percentage of Respondents within a Group Agreed to the Items					
		Public	Civil Servants	Police	Prosecutors	Judges	Officials
1	Purchase of goods in government offices.	90.7*	97.0	93.3	94.7	92.3	89.7
2	Determination of customs duty rate.	91.2*	92.1	94.3	90.8	92.3	90.3
3	Determination of tax rate.	82.9*	89.0	80.0	90.8	92.3	82.8
4	Police Work /Especially traffic police	93.8*	92.7	80.0	89.5	94.2	89.0
5	Immigration	77.7*	78.7	79.0	67.1	71.2	73.1
6	Licenses and permits.	93.3*	95.1	94.3	92.1	88.5	89.7
7	Distribution of items under government monopoly	78.8*	76.8	73.3	73.7	71.2	66.2
8	Construction and land distribution	91.2*	92.7	87.6	90.8	80.8	80.0
9	Responsibilities assumed by government appointment.	73.6*	65.2	56.2	52.6	55.8	56.6

According to the results presented in the above table, almost all of the six respondent groups identified all as vulnerable areas of corruption in Ethiopia. Immigration, government monopoly of goods distribution and higher responsibilities assumed by government appointment were indicated as relatively less susceptible areas of corruption while areas concerned with determination of amount of tax and customs as well as purchase of goods in government offices were pointed as more susceptible.

Thus, case studies were conducted to examine activities related to levying of tax by finance bureau as well as procedures related to bids and government auctions particularly in Awassa and Nazareth.

Levying of taxes on business is the domain of the respective regional finance bureaus or departments. According to the directives of the finance bureau in Awassa, only two persons have all the discretion to impose tax on local businesses. As the head of finance bureau of SNNPR explained, this procedure has given a free hand to those who are in charge, either to impose lesser taxes in return for any advantage they get from business owners or impose higher tax rates on those who are reluctant to give bribes. According to the bureau head, there is also another directive, which has been in force since 1998. It was by this directive that a committee comprising six individuals representing different sections within the bureau was established. This method was devised to check the discretionary power of employees while levying lesser tax in seeking undue advantage. Since the committee reviews the tax levied by the individual tax assessor, the former might be forced to act more responsibly and carefully in fear of committee inspection. Many believe that even this mechanism may not work as effectively as possible, and suggest that fixing of tax amounts may solve the problem to a certain extent.

In the area of procurement, the case studies revealed very serious problems. There were instances that in Awassa, such as a stationery competing by producing two pro forma invoices quoting different prices; one in its name, and another in the name of two non-existent stationeries. But this method of procurement is absolutely fraudulent. Business owners in Awassa town thus complained that they could not exercise their right of equal opportunity unless they give bribes to purchasers or persons who are in charge of procurement. It appears that rules or directives are not regulating procurement procedures. As a result, individuals are tempted to practice corruption. From the preceding instances one could easily draw a conclusion that the directives have failed to contain corruption.

The auditors of Sidama *zone's* Finance Department said that in order to avoid fraud, which is practiced in the name of non-existent business, it is wise to register existing businesses. Government contracts are the other main susceptible areas for corruption.

Apart from the case studies some legislation that bore relevance to procurement were also evaluated.

1.3.1 Procurement

Article (55) of Financial Administration Proclamation No 17/1997 of the Oromia Regional State, stipulates, “all goods and services shall be procured on the basis of directives issued by the bureau and these directives shall determine the manner in which goods and services are procured and the form in which information pertaining to such procurement is made public.”

Accordingly, the proclamation conferred upon the Finance Bureau the responsibility to issue directives that determine the manner in which goods and services are procured. It is imperative here to examine whether or not the directives are available, whether these regulations set standards for the procurements of goods and services, and whether or not the directives are transparent, unambiguous or leading to various interpretations and execution, and whether or not they hold individuals accountable for their duties and responsibilities. In addition to this, it is also necessary to look into some of the provisions enshrined in the Oromia Financial Administration regulation No 8/1998. One of the susceptible areas of corruption is procurement of goods and services. During procurement, low quality goods or services could be purchased with highly inflated price. Both the supplier and the purchaser share the money extracted in this way. The other example of corrupt practice is investing the money earmarked for procurement of goods and services for private end. This may be in the form of lending public money for businessmen with the aim to share profits. The other is embezzlement. One of the provisions that opens a loophole for corruption is Article (38) of this Regulation. It gives discretionary power to the head of a public body without any conditions. It says “when necessary to make purchase cash advances may be made to an employee of a public body which shall be settled within seven working days after payment is received unless otherwise authorized by the head of the public body”. A corrupt public official having this power can delay the settlement of the cash advance so as to lend it to businessmen (in collaboration with purchasers) with the aim of sharing profit from the turn over. The more the delay of the settlement of cash advances, the higher the probability for it to be squandered.

Art 38(2) stipulates “the maximum amounts of such advances shall be established by the heads of the public body or by an officer authorized in writing by the head of the same public body. The criteria for determining the amount of such advances shall be determined in accordance with the directives issued by the finance bureau.

Article 65 (2) of the Oromia Financial Administration Regulation No. 8/1998 stipulates “public bodies shall purchase goods produced in Ethiopia in preference to goods produced abroad where the price and quality are the same and where the Ethiopian supplier undertakes to make delivery within the same or shorter time as the foreign supplier or any other considerations as determined by the state Executive Committee”. This provision is not clear or transparent. There are two conditions or criteria set for selecting suppliers. The first criteria consist of price, quality and time factor. The other criteria are “any other considerations” that would be determined by the state Executive Committee. It is not clear whether the second criteria represent additional criteria to price, quality and time factor.

Obviously, the first part of the provision puts clear and distinct criteria to select suppliers. If the quality of goods or services, and the price quoted by an Ethiopian supplier and foreigner is the same and if the former undertakes to deliver within the same or shorter period than the latter, the Ethiopian supplier would be preferred. Apart from quality and price, time is set as a determining factor for preference.

If the second section of the provision is construed independently of the first section then it will give discretionary power to the executive committee. It gives free hand to the committee to conclude a contract with a supplier affiliated to some of the members or those who have a decisive power using the pretext of “any other consideration”.

1.3.2 Bids

Article 67(2) of the same proclamation is an exception to sub Article (1) of the provision that imposes soliciting bids as mandatory. Particularly, sub Article (2) (a) gives discretionary power to the head of a public body to conclude a contract without soliciting bids on the ground that “...the need is one of pressing emergency in which delay would create serious problems and therefore be injurious to the performance of the public body”.

It is important to ask what constitutes a ‘pressing emergency?’ Who will determine whether or not an incident is a pressing emergency? What if the said pressing emergency does not occur and yet a contract is concluded without soliciting bids that incurred significant cost on the bureau? Who would be accountable for the excuse of unreasonable fear for a danger is there to benefit a certain supplier on the ground of pressing emergency?

Sub Article (2) (c) of this Article stipulates another condition that permits making a contract without soliciting bids. It says the nature of the work is such that it would not be in the interests of the government to solicit bids.

This is also another Article that gives opportunity to public officials to abuse their power for personal gain or for the benefit of others. The phrase the “nature of the work” is vague. From the point of view of the federal government, the phrase “the nature of the work” could give sense, as there are public works, which the Federal government is not required to solicit, bids of contract publicly due to security reasons. (For instance, the construction of military base areas, installation of security networks, etc.) Even in the case of the Federal government sensitive areas that need not require soliciting bids could be enumerated to avoid the loophole and limit the discretionary power given to governments. When it comes to regional governments, they are not mandated to construct military bases or install security networks and the like. Therefore, sub Article (2) (c) in no way will be

appropriate to regional states. Rather it gives unnecessary discretionary power to the Executive Committee to widely interpret the Article and there by use it for personal gain.

Sub Article 2(b) stipulates the other conditions that do not require soliciting bids and says, "...the estimated expenditure does not exceed the amount to be determined by directives of the finance bureaus."

Article 67(3) gives alternatives to a public body to solicit bids. One is by giving public notice. The other is by "...inviting bids on a proposed contract from suppliers on a suppliers list or short listing suppliers by the process of pre-qualifications." Sub Article 3(b) and (c) are provisions that could easily be used to favor certain suppliers that have connection with the public officials, particularly, the provision which invites bids from suppliers on the suppliers list." It doesn't set the criteria of who should or should not be invited. This provision gives a chance to public officials to propose suppliers who are not on equal footing i.e. suppliers that do not have the same capacity, reputation etc. Thus, those who have connection with the public officials will have the opportunity to win the bids in an unfair competition. Moreover the provision gives a wide discretionary power to public officials to invite suppliers. This will prompt suppliers to corrupt public officials.

Sub Article (3)(c) too gives wider discretionary power to public officials that could easily drag them to corrupt practices. This provision is unclear as to how to develop short list of suppliers "by the process of pre-qualification." So, any public official can include in the short list a supplier with whom he has connection, for the provision authorizes officials to judge the competence of a supplier. There is no clear standard set as to how the public body determines the competence, the number etc. Thus, the provision lacks transparency. In both cases there is no mechanism to check the appropriateness or fairness of the invitation to contractors for the proposed contracts.

Article 67(3) (a) stipulates the process of soliciting bids. It says "... giving public notice in a manner consistent with generally accepted practices of a call for bids respecting a proposed contract."

The rationale behind this provision is to invite as many suppliers as there are with the view of widening the opportunity for selecting the competent supplier. The public notice is thus to invite any supplier to solicit bids.

Whereas, Article 3157 of the Civil Code stipulates, "The constitution of the office of allocations shall be fixed by administration regulation and such internal regulations as are particular to the various administrative authorities." Regulation No 8/1990 never cites as to how the constitution of the office of allocation shall be fixed, though the Civil Code confers power on each administrative body to issue regulation regarding this.

Contractors who were approached by researchers complained about the discriminatory practice of responsible government officials. It was noted contractors often offers bribes to authorities. The group interview conducted with business owners about bids in Assela town revealed that various kinds of frauds and corrupt practices are committed in the awarding of construction contracts and in the process of their implementation. According to their view, failure of the government to provide detailed and clearly defined job description for public officials and mechanisms to follow up and supervise an official (whether he is discharging his official duty appropriately) is the main cause for the prevalence of such frauds and corruption. The attitude of the individuals in the private sector to consider corruption as a normal way of doing business, also contributed for the proliferation of such practices. They pointed out that corruption is committed in two stages. These are:

a. During awarding a contract through auction

- * Minimizing the number of bidders. For instance, by mentioning only the closing date and not the exact time of closing in the announcement of the invitation to bid.
- * Leaking information about the bid offered by other contractors.
- * With prior agreement with the officials, a contractor would make clerical errors that would make him the least bidder. After the auction is closed the clerical errors will be corrected which inevitably increase the price.

b. During the implementation of the project.

- * The contractor will perform the work specified below the specifications by using less quality materials. The contractor and the public official will share the sum of money earned as a result of the difference.
- * Facilitating the release of payment to contractors by submitting false report regarding the performance of contractors.

1.4. Penal Provisions

One of the purposes of punishment is to deter future offenders from committing similar crimes. Similarly, a large number of informants were of the opinion that having adequate penal code

provisions for penalizing corrupt practices contributes much in deterring others from practicing corruption.

As a result, reviewing related legislation was imperative to examine whether or not the problem of corruption is emanating from the inadequacy of penal provisions. Accordingly, the Ethiopian Penal Code, the Special Penal Proclamation No. 214/1974 and other related proclamations where penal provisions are found scattered are treated in this section.

Although the Penal Code does not state “corruption” as an offence, offences that fall within the meaning of corruption are deemed criminal act. The Penal Code Articles 248 – 272 penalize offences perpetrated against the national state. Articles 296 – 348 penalize offences within the armed forces in the form of dismissal from the army, reduction in rank etc.

Offences against the fiscal and economic interests of the state are also included in Articles 354 – 365. Endangering of sources of revenue and contraband as well as offences against the public interest or the community including forgery and falsification of documents are contained in these provisions.

There are also offences related to election. Giving of bribe or advantages so that the electorate may not elect what they wish are punishable offences. In short the Penal Code provides many other punishable offences here and there related to corruption, in its different sections.

The Special Penal Proclamation no.214/1974 also enumerates offences incorporated in the penal code, containing heavier penalties.

There are also a number of proclamations that have incorporated provisions penalizing corrupt practices. For instance, financial administration legislations both at the Federal and Regional levels have incorporated provisions, which penalize persons who receive any payment in the discharge of their official duties except as prescribed by the law. The proclamation, which establishes the Customs Authority, has also included provisions that penalize officials involved in corrupt practices.

Commercial registration and business licensing proclamation no. 67/1997 and the Proclamation, which established the Ethiopian Standard Authority, have also similar provisions.

A research paper entitled "Problems Related to Corruption and the Place of Corruption in the Penal Code of Ethiopia" investigated the comprehensiveness of the penal provisions addressing corrupt practices bears testimony to the fact that the law is almost perfect in dealing with all corrupt practices. It, however, puts into question the problem of bringing the culprits to justice, for the crime is clandestinely committed. The paper attributed the problem to lack of evidence and absence of competent institutions that investigate and reveal the offence. However, some of the proclamations

recently issued tried to overcome the problem of evidence by setting free the collaborator party who divulges the corrupt practice to the relevant authorities. (Gebremichael Getaneh, 2001.)

While the Penal Law is apparently exhaustive in covering crimes related to corruption the question remains why people do not report crimes. Respondents were asked to answer the question as to why people shy away from exposing acts of corruption. The major findings obtained from the six groups of respondents on the question are presented in the table below.

Table 4. Reasons for not reporting corruption

Item No.	Reasons	Percentage of respondents within a group agreed to the item					
		Public	Civil Servants	Police	Prosecutors	Judges	Officials
1	The belief that the corrupt practice has no effect on them	44.6	42.1	63.8	55.3	51.9	43.4
2	The belief that corrupt practices have benefit but cause no harm	15.0	13.4	17.1	10.5	13.5	14.5
3	The belief that the person who perpetrated the corrupt act did no wrong	11.9	8.5	10.5	5.3	9.6	12.4
4	The belief that reporting the crime has no effect	76.2	76.8	63.8	63.2	65.4	57.2
5	Failure to understand corruption as a crime	25.9	22.0	38.1	32.9	7.3	33.1
6	Belief that the corrupt official will be disappointed	51.3	50.6	49.5	57.9	53.8	50.3
7	Fear of retaliation from the corrupt public official or body	84.5	85.4	79.0	85.5	78.8	71.7
8	Lack of knowledge as to how and to whom to report	52.3	46.3	45.7	28.9	51.9	43.4
9	To avoid giving testimony during investigation	62.7	61.0	63.8	50.0	51.9	59.3

According to the results presented in table 4, from among the nine possible reasons for shunning to witness against corruption, only three items were agreed upon by the majority of the respondents, the first one being fear of retaliation from the corrupt public official or body (By the highest majority in all the groups), the belief that reporting the crime has no effect and to avoid giving testimony during investigation. But the majority of the police officers, different from the remaining groups reported that failure to report on the part of the public is due to the belief that corrupt practices have no effect on them.

Meanwhile, two of the nine possible reasons were rejected virtually by all of the respondents in the six regions. These were: the beliefs that corrupt practices have benefit but cause no harm and the person who perpetrated the corrupt act did no wrong. Similarly, people's failure to perceive corruption as a crime was also rejected still by the majority of the respondents in all of the groups.

Finally, no significant difference was observed between the percentage of those who agreed and disagreed within a group, regarding the reasons that cause the people to shun witnessing against corruption, namely

- The belief that the corrupt practice has no effect on them (except for the police officers).
- Lack of knowledge as to how and to whom to report.
- The belief that the corrupt official will be disappointed.

2. The Legal Frame Work

2.1. Codes of conduct

2.1.1 Prosecutors' Code of Conduct

The activities of the prosecutor are mainly governed by two legislation, i.e. the 1961 Criminal Procedure Code and the Prosecutors Administration Regulation no. 44/ 1998 for federal prosecutors and the regional regulations for regional prosecutors. The regional regulations are almost a replica of the federal regulations. The prosecutor has the responsibilities of studying the police investigation file and either frame charges, or closes the file, or order further investigations. If he has to frame charges, he has to follow the court proceedings. He/she also has the responsibility of investigating and deciding on complaints, bail rights and deciding on exhibits.

When the prosecutor closes the police investigation file where the accused has died, or is under nine years of age, or is diplomatically immune, he is obliged to send a copy of his decision to the

prosecutor general, the private complainant, if any, and the investigating police officer as per Article 39(3) of the Criminal Procedure Code. On the other hand, as per Article 42 of the same code, the prosecutor is not obliged to do the same. However, under Article 42 one of the reasons for closure of police investigation file is the opinion of the prosecutor that there is no sufficient evidence to justify a conviction. This opinion of the prosecutor should be closely examined. The prosecutor might be corrupt and close the file to favor someone. Therefore, in order to refute the decision of the prosecutor there has to be a legal framework to examine the activity of the prosecutor in this respect. Too much discretion is given to the prosecutor, which opens a way for corruption. The decision of the prosecutor is final unless a private complainant, if any, or his representative applies to the court. Moreover, in framing charges there is no such mechanism of supervision or review and the prosecutor has the opportunity to violate the rights of the accused. Though it is stated in the regulation that the prosecutor is accountable to the superior prosecutor, he is not obliged under any legislation to examine the decision of the prosecutor. Therefore, there is a gap in this respect.

Article 109 of the Criminal Procedure Code states that the prosecutor should within 15 days from the receipt of the police investigation file make a decision (either frame charges, close the file or order further investigation). This obligation of the prosecutor is not followed by a sanction in the code. However, according to art 75(1/f) of the Prosecutor Administration Regulation No. 44/99, creating, inconvenience to the public by delay of service without good cause is numbered as a disciplinary offense. This delay of service can be interpreted as per the '15 days' of the code. But the '15 days' of the code only addresses the framing of charges, closure of files and ordering further investigations. So how about other duties of the prosecutor? How long is this delay of service? On what ground would one say here is a delay while the duration is not specified in the law?

In the Regulation (Article 45) the superior prosecutor is given the obligation to supervise the performance of the prosecutor and has to submit efficiency report twice a year. This authority of supervision is important as it decreases the wide discretion given to the prosecutor in the Criminal Procedure Code. It is provided in the regulation that the head of the department in which the prosecutor is working or the appropriate branch office has to lodge a charge to the appropriate disciplinary commission when there is a finding that disciplinary offense is committed. This process of supervision and lodging of charges is an important mechanism to detect the existence of corrupt practices. It is also stated in the regulation Article 74(2) that the disciplinary measure cannot prejudice criminal or civil proceedings. In spite of these positive sides against corruption there is no obligation imposed on the superior prosecutor or the head of the department to lodge charges and to supervise the prosecutor. What if the superior is reluctant to do his job of supervision? How could we hold him accountable for his failure to supervise in the absence of relevant law?

In addition, according to Article 11(1) of the regulation the prosecutor has to take an oath before assuming office. This oath could be taken as a code of conduct, thus, imposing moral sanction on the prosecutor. The contents of the oath include: to work for the supremacy of law, execute existing laws, carry out responsibility on the basis of law, safeguard human right, discharge duties honestly, diligently and impartially without seeking personal gain and without fear of favor of any kind.

The disciplinary offenses under Article 75(1&2) of the regulation are designed in such a way as to combat corruption. These include taking or soliciting bribes, doing favors to obtain unlawful benefits for oneself or for another, falsification of written documents with intent to obtain benefits for oneself or for a third party, borrowing money from a person with whom one has contact in discharge of official duties, creating inconvenience to the public by delay of service without good cause, not showing effort and diligence at work, persistent borrowing, etc. In addition Article 67 of the regulation prohibits the taking of gifts for services rendered or expected to be rendered.

Another loophole in the Criminal Procedure Code for corruption is found under Article 122(1). It is provided under this Article that the prosecutor at any stage of the proceeding before judgment can withdraw any charge other than homicide and robbery. Under this Article, it is not given on what grounds the withdrawal is made. Proclamation No. 71/ 95 Art 23(4) gives the Ministry of Justice the authority to withdraw charges based on the law. What is the measure for its legality? Is not it possible for a prosecutor to use this Article for personal gain or for the benefit of others? Since the ground for withdrawal is not specified by law, it opens the way for corruption.

By and large, legislation promulgated to govern the activities of the prosecutor gives room for corruption. Many Articles of the code make the standard for decisions only the opinion of the prosecutor. Though, the existence of discretionary power is important to the prosecutor, the law or regulation should provide guidelines to enhance fairness, and consistency of approach in making decision. In addition, the existence of guidelines also makes the works of the prosecutor transparent.

What is more, though there is a disciplinary commission as well as superior prosecutors who were given the responsibilities to sanction offenses, their accountability is not clearly defined in the legislation. Although, it is provided in the regulation that the superior prosecutor is accountable to his superior, it is not specified what may happen to him in case of failure. For instance, it is stated under Art 45(1) of the regulation that the superior prosecutor has to make efficiency reports twice a year, but we couldn't find in any part of the regulation the measure that will be taken against him/her if he/she fails to do so. With regard to the disciplinary commission, its accountability is not stated in the regulation either. The regulation never gives answers readily to the questions- what measure could be taken if the commission fails to execute its responsibility? Who will supervise its activities? The commission is not obliged to report its activity to anybody; so it is hard to see this

institution as an instrument to check corruption. In general, the legislation enacted to regulate the activities of the prosecutor are more or less sufficient, although it lacks strong mechanisms of accountability and transparency.

2.1.2 Judges' Code of Conduct

The most significant Article governing the conduct of judges is Art 79 of the FDRE Constitution. It provides that judicial powers both at federal and state levels are vested in the courts and mentions that courts of any level shall be free from any interference of any governmental body, government official or the like. Judges shall also exercise their functions in full independence and shall be directed solely by law etc.

This indicates that the judges should be governed only by what the law says. Otherwise they are abusing their power or committing corrupt practices.

There is also a code of conduct for judges issued by Federal Judicial Administration Council effective January 24, 2001. As it could be implied from the preamble, the code is intended to fight corruption and abuse of power within the judicial system, though not stated explicitly. The preamble proclaims that the code is issued with the view of, among others, maintaining a non-partisan justice administration, creating a free, strong and trustworthy judiciary which shall be protected by judges themselves, protecting the human rights enshrined in the constitution by respecting the rule of law, and adoption by judges of supreme standards of good conduct in their professional as well as private lives.

According to the code, a judge is obliged to treat and protect the rights of all litigants equally. He/she should never let family, religious, ethnic, political, social or other relationships affect his/her judgment.

Improper dressing, conduct, deeds or frequenting places of bad reputation should never compromise judicial dignity. In the course of judicial functions, a judge should not seek flattery or become emotional. He/she should avoid threats of intimidation, working strictly according to the law. A judge should be exemplary in respecting working hours. Absence without good cause or leave must be avoided. Pending cases must never be discussed, except as among colleagues, with anyone. Nor should a judge issue press releases or commentaries on such cases through the mass media.

Articles 24 and 25 of the code are provisions directly focused against corrupt practices, which may possibly surface among the judiciary. Article 24 provides that a judge, who is prohibited by law from adjudicating a case, must as soon as he/she knows this fact, withdraw from the case, without waiting for an application requesting same. Under Article 25 a judge should never accept a bribe, a gift or

any other direct or indirect benefit from a party or any other person in connection with a pending, prospective or already adjudicated case, thereby debasing judicial prestige. Nor should a judge intercede or become an intercessor (Art. 26). Official judicial position or judicial prestige should not be employed to gain undue personal benefit or benefit for another person (Art. 27). Deeds that conflict with the official duties or good will of a judge must be avoided (Art. 25).

2.1.3 Police -Code of Conduct

There is no regulation that prescribes the code of conduct of police except the proclamation enacted to provide for the organization and administration of the Federal Police. Proclamation No.207/2000 that defines the power and duties of the Federal Police contains element of code of conduct. Particularly Article 19(1) of the same proclamation imposes obligation on any member of the federal police "...to perform his activities in accordance with the Criminal Procedure Code and other appropriate laws by honoring the human and democratic rights ensured by the constitution." Accordingly, any member of the Federal Police is obligated to respect and protect the rights of individuals recognized by both the Federal constitution and the regional states as well as Criminal Procedure Code. The right to be presumed innocent, the right to be protected from arbitrary arrest, the right not to be detained with out charge, the right to remain silent, the right to be brought before a court within 48 hours...etc are some of the provisions police is required to respect. The penal Code of Ethiopia, correspondingly, imposes sanction on those who abuse their power or fail to comply with rights incorporated in the constitution and criminal procedure.

3. Capacity of the Judiciary, Law Enforcement and Administrative Offices to Fight Corruption.

The capacity of the institutions in fighting corruption was viewed from two perspectives, that is, internal controls and competence of the Judiciary, Law Enforcement and Administrative Offices.

3.1 Internal Controls

A number of interviews were held with the members of the Judiciary, Law Enforcement and Administrative Office with the view of finding out prevailing anti-corruption activities and practices. The findings not only reveal the existing facts but also bring to light gaps which have been observed.

One of the areas of inquiry relate to the existence of internal controls which the Judiciary, Law Enforcement and Administrative Offices exercise with the view of preventing corrupt practices among their staff in the execution of official duties. An effort was thus made to find out if such mechanisms do exist, and if they do, whether they are adequate in serving their purposes. The informants were also asked to state whether or not employees of their respective institutions disclose corrupt practices committed in their offices and if not what the causes are for not doing so. Special emphasis is then

given to the existence of an evaluation system as a controlling mechanism. Respondents were asked in this regard to rate the importance of evaluation in controlling and preventing corruption within their institutions and what strong points and weaknesses they observed in the system.

The other set of questions relate to the investigation of the competence of Judiciary, Law Enforcement and Administrative Offices in controlling and preventing corruption. Hence, respondents were asked to tell whether or not they have participated in training that has relevance to the issue at hand. Those who did were then requested to rate the extent to which the training served them in fighting and controlling corruption in their respective institutions. They were also furnished with the opportunity to express their views regarding the competence of their respective institutions in this venture. Those who perceived their institutions as incompetent were subsequently asked to identify the causes.

The findings are presented below.

3.1.1 Corruption Controlling Mechanisms

For the majority of all the respondent groups there is an internal controlling mechanism that helps fight corruption in their respective offices. When asked about the adequacy of the existing controlling mechanism, the majority of the Dire Dawa and Oromia prosecutors as well as most of the judges from all regions claimed to have adequate internal controlling system against corruption. However, for quite a limited number of prosecutors and judges from Addis Ababa and Amhara, and all of the SNNP prosecutors as well the majority of the police in all of the regions and administrators, except those from Addis Ababa, the existing mechanisms are inadequate.

Almost all of the interviewed administrators, police officials and prosecutors disclosed that the controlling mechanism in place is 'appraisal' or (*Gingema*). However, here and there are some prosecutors and police officers who have added to appraisal, reporting and close follow-up as other kinds of controlling mechanisms that exist in their offices

The result obtained from the judge respondents is a little bit different from that of the police and prosecutors. Regarding the kinds of the controlling mechanism that exist in the courts, the majority of the Addis Ababa judges identified reporting on performance as one kind of controlling mechanism. On the other hand, according to all of the Dire Dawa and Harar judges a close follow up of activities was reported to be the controlling mechanism that exists in the courts. Furthermore, appraisal was indicated by all of SNNP judges to be the existing controlling mechanism in the courts.

Regarding the likelihood of the employees of the police offices to disclose the corrupt practices being committed in their offices during an appraisal, the majority of police officers from Addis Ababa, Amhara, Harar, Dire Dawa and SNNP, the majority of administrative officials from all the regions as

well as all of the Harar prosecutors and the majority of the prosecutors in the remaining regions attested that the employees disclose the corrupt practice only sometimes. Departing from the findings observed above, a substantial number of Oromia police officers, an insignificant number of prosecutors in all regions, and about one half of the SNNP administrative officials reported that the employees always disclose the corrupt practices committed in their offices during appraisal. On the other hand, a significant number of administration officials from all regions, the majority of prosecutors from Addis Ababa, Amhara, SNNP, Oromia and Dire Dawa believe that employees never disclose corrupt practices committed in their respective office.

Regarding the causes for the employees' reluctance to report the corrupt practices committed in their offices during appraisal, all respondent groups have indicated fear of retaliation by officials.

According to the case study conducted at Awassa, the Police commissioner noted that "The positive aspect of appraisal (*Gimgema*) is that it gives the opportunity to know who did what. Moreover, it helps us to know our staff, their relation with the community and their respect for human rights. In appraisal we evaluate not only the disposition of their duties but also the challenge they face. Appraisal deters police officers from involving in corrupt practices. Those who were at fault were given warning or suspended for a limited time and they improved their behavior. If a person is accused of a failure to perform a certain task entrusted to him, evidences that prove his failure should be corroborated. He is also entitled to defend himself. In a forum where his case is entertained he is entitled to defend himself. Had we not put in place the technique of appraisal, we would have faced immense problems. Abandoning the culture of evaluation is tantamount to saying the police force is no more operational.

Previously evaluation was aimed at incriminating individuals but not performance. There were people who attempted to manipulate the opportunity towards their personal end. After understanding the aim of appraisal, false accusation was met with immediate challenges from the staff. Now, appraisal has started to focus on the task set. We don't resort to take measures until we secure relevant evidence that could be supportive."

At Gedeo *Zone* participants of a focus group discussion were held to discuss both the weak and strong sides of appraisal made among the *zones'* administration officials. According to the respondents an appraisal was carried out in their office regularly but the time allocated to it was not sufficient. Except saying that the public is biased towards appraisal, no strong point was raised by them.

The following were the merits of appraisal identified by respondents:

- Improving the quality of work
- Exposing offenders

- Rendering better service to beneficiaries
- Finding solutions to problems in time.

A group interview held at Assela town with the police noted that appraisal is a process by which an organization can evaluate its achievements and identify problems in order to find solutions.

Appraisal was misunderstood before because it focused on people instead of evaluating performances. Nowadays, according to the informants, it was assured that things are improving and appraisal is achieving what it has set out to achieve.

For instance appraisal may focus on the following issues.

1. Pre-performance appraisal - Missteps are analyzed from the previous work and a plan is drawn to tackle them.
2. On-job appraisal — Evaluating performance and existing problems.
3. Result /achievement appraisal — At the end of the plan year, the achievement is evaluated against the objectives. Problems come upon the weakest section/unit/department and the persons responsible for the weakness are assessed. It helps to take corrective measures on such individuals.
4. Character appraisal - Very helpful to the management and Administration.

How the person works towards the fulfillment of the achievement of his/her plan, whether he/she mobilizes his/her subordinates well, and his/her work relation with others is assessed.

During character appraisal there is no discrimination; individuals are evaluated irrespective of their status or the position they assume.

3.1.2 Decision Making Power.

Respondents from the Judiciary, Law Enforcement and Administrative offices were asked to point out if they know instances where they have reversed, cancelled or modified decisions that were under their jurisdiction because of superior or other executive order. To this the police officers in all regions, many of the prosecutors from Addis Ababa and Amhara respectively, some of the judges in all regions (except in Harar and Dire Dawa) admitted that they are aware of cases where they have changed decisions during the investigation, prosecution and hearing of cases by the order of either top officials in the official hierarchy or by administrative officials.

3.1.3 Transparency and accountability in the Judiciary, Law Enforcement and Administrative Offices

The need to have a strong, capable and corruption free Judiciary, Law Enforcement and Administrative Offices to combat corruption has become a universal fact. This part tries to assess the transparency

and accountability of the Judiciary, Law Enforcement and Administrative Offices, the lack of which contributes greatly to the proliferation of corrupt practices.

Because of the delicate nature of investigating the prevalence of corruption within the Judiciary, Law Enforcement and Administrative Offices (and by having judiciary law Enforcement and administrative officials as informants) the assessment was done by putting indicative questions.

Having the above as background, the study has dealt with some of the office procedures that are likely to be exposed to corruption within Judiciary, Law Enforcement and Administrative Offices. These include the investigation of whether or not there are complaints (corruption related or not) by the public concerning the service of the said agencies, kind and incidence of corrupt practices, misdeeds suggestive of corruption, corruptor groups, explanations given as causes of such acts and measures to control corruption within the institutions.

The findings are presented below:

The majority of interviewed prosecutors, administrative officials, police officers and judges acknowledged as having sometimes heard complaints made on their services. Exceptionally judges from Amhara and Addis Ababa heard of such complaints frequently.

The respondents were, however, reluctant to wholly relate the complaints to corruption. It is only half of them who declared the complaints to be corruption related. As an exception, police officers in SNNPR asserted almost all of the complaints to be corruption related.

Corrupt officials abuse the public authority bestowed on them for their own private purposes. Generally, such acts of corruption done by public officials who misuse or abuse their authority include slowing down or expediting official performance or decisions, tampering with evidences and other documents, unduly utilizing public fund or information, and failure to exercise one's duty without benefit and unless there is a private connection. Specific acts of corruption vary from institution to institution. Corrupt police officers are said to accept and solicit bribes by fabricating, forging or destroying evidences, unduly arresting and searching, proceeding from unfounded accusations and complaints, and performing other actions that put the security and freedom of citizens in danger and under the mercy of the police. Acts of corrupt prosecutors and court officials indicative of corruption are said to include prosecuting and penalizing under light or heavy criminal charges, producing and admitting inappropriate evidence, and performing acts that may prolong or shorten trial and judgment. Interfering with the activities of law enforcement and other government offices, misappropriation of public property and money for private purpose, and favoring relatives and political allies in the delivery of services are the specific acts of corruption, which are said to pertain to administrative officials.

While conducting the case study and interviews, judges, prosecutors and the police were enumerating a number of problems why corrupt officials are not brought to justice. The reasons mentioned include problems related to evidence, people becoming reluctant to report corrupt practices, lack of severe laws etc. Almost none indicated problems within the respective institutions.

3.2 Competence of The Judiciary, Law Enforcement and Administrative Offices In Controlling Corruption.

To examine the competence of the Judiciary, Law Enforcement and Administrative Offices in controlling corruption, officials of the institutions were first asked whether or not they have had relevant training in combating corruption. They were further asked to indicate the extent to which the training has helped them in discharging their official obligations.

Furthermore, the respondents were requested to express their opinion on the competence of their respective offices in fighting corruption. The respondents, who reported their office to be incompetent, were subsequently asked to identify the causes for the incompetence of their respective offices in controlling corruption. The findings obtained are presented below.

3.2.1 Training in combating corruption

Most of the respondents of all groups invariably reported that they haven't taken any training in fighting corruption. Similarly, many of the Oromia and Dire Dawa police officers of the Addis Ababa administrative officials acknowledged taking such training.

Concerning the usefulness of the training, trained respondents rated it as low. Most of the trained police officers from Oromia and Dire Dawa as well as few from other regions have rated the importance of the training either moderate or low, even though there are some Police officers from Dire Dawa and Harar who gave high rating. On the other hand, from the prosecutors who reported taking training, SNNP and Addis Ababa prosecutors rated the usefulness of the training as low while the Amhara prosecutors rated the training as moderately useful.

Judges who declared they had some training have also said the training was not of much importance. Hence all of the SNNP and the majority of the judges from the remaining regions rated the usefulness of the training as moderate. The trained judges from the Amhara region have however said the training was useful.

As far as the response of the administrative officials is concerned, about one half of the SNNP, Oromia, and Dire Dawa officials have rated the usefulness of the training as high. Significant number of officials who rated the training as moderately useful were only registered in Addis. But according to the rating of about one half of the Amhara and SNNP judges, the training was of no help.

3.2.2 Capacity of the Institutions

The majority of the police respondents from all regions except Oromia, the majority of the prosecutors from all regions, all of the Dire Dawa, few of the Addis Ababa and the majority of the judges in the remaining regions, and less than half of the administrative officials believe that their respective institutions have the competence to control corruption. To put it in another way, the majority of the police in Oromia, most of the administrative officials and judges from Addis Ababa and not insignificant proportion of all groups of respondents from the other regions have the belief that their respective institutions cannot be said competent to fight corruption.

The causes for the incompetence of the institutions have been listed in order of degree: the weakness of the existing anti-corruption law, the limited knowledge of the officials and the combination of both. As a result, while most of the police respondents (all of the Dire Dawa and the majority of the police officers in the remaining regions), all of the Dire Dawa and 60 per cent of the prosecutors from the remaining regions, all of the SNNP most of the Addis Ababa, Amhara and about one half of the Oromia judges as well as most of the Addis Ababa, Dire Dawa and Oromia as well as about one half the Harar, SNNP and Amhara officials attributed the cause to the weakness of the existing anti-corruption law. About a quarter of Addis Ababa, Amhara, SNNP & Oromia prosecutors, one half of the judges in Oromia, a number of the police from SNNP and few administrative officials from Harar and Amhara have put low level of knowledge and sometimes the combination of both as possible causes for the incompetence.

3.2.3 Investigation of corruption cases

This part of the report deals with the responses of the informants from the Judiciary, Law Enforcement and Administrative Offices concerning the kind of corrupt practices they have encountered including areas and posts exposed to corruption.

The inquiry has been made from the general and institutional perspectives. They were requested to relate their perception about the overall corruption picture based on cases they have encountered.

For most of the interviewed police officers, judges and prosecutors, cases of corruption do keep coming to be investigated and adjudicated. Even though such cases are not as common as homicide or theft or other similar offenses, the various institutions had the experience of handling them. However, these institutions believe that the cases they handled do not accurately reflect the actual prevalence rate of corruption in Ethiopia. To them only few are reported, investigated and prosecuted.

In order of frequency, cases related to procurement are said to be detected in all the regions by every group of informants. Other common cases include those related to police work (traffic), posts of

political appointees, allocation of land and construction sites, licenses and permits, tax and customs determination, and charity and relief work. Cases related to customs are said to be frequent in Harar, Dire Dawa and Addis Ababa. Similarly, informants from Dire Dawa, Addis Ababa and Amhara regions mentioned cases related to charity and relief work.

According to the police and prosecutor informants, investigation of cases of corruption is a frustrating task. Only some of the investigations go to courts. Investigation of cases of corruption is very often time taking, futile and unrewarding. Difficulty of gathering evidences (which is said to be related to the nature of the crime), lack of adequate evidence and other anti-corruption laws, lack of cooperation from the people and lack of competence on the part of the police were pointed out as the major causes for the limited success in the investigation of cases of corruption.

Due to the problems related to investigation, a substantial proportion of the prosecutors responded that most corruption files fail to lead to prosecution. Most of the cases are dismissed by the prosecution office due to lack of adequate evidence or remanded to the police for further investigation. Even and when prosecution is filed, it is not seldom that defendants are acquitted. This is reported by most of the judges and prosecutors from Oromia, Amhara, and Addis Ababa. Some judges from Harar and SNNP seem however to hold the opposite view.

Almost all of the Amhara, SNNP, Harari and Oromia judges attribute the inadequacy of evidence as the reason for the acquittal. False evidences and lack of comprehensive anti-corruption law were also mentioned as problems.

LEGISLATION REVIEWED

1. Commercial Registration and Business Licensing Proclamation No.67/1997.
2. Federal Government Commercial Registration and Licensing Council of Ministers Regulation No.13/1997.
3. Addis Ababa/Dire Dawa Administration Council Commercial Registration and Licensing Council of Ministers Regulation No.141/1997.
4. Oromia Regional State Commercial Registration and Licensing Regulations No.11/1998.
5. Oromia Regional State Commerce, Industry and Tourism Bureau Commercial Registration and Licensing Directive.
6. The Council of the Amhara National Regional State Commercial Registration and Business Licensing Regulation No.3/1998.
7. The Council of the Amhara National Regional State Commerce and Industry Bureau Commercial Registration and Business Licensing Directive.
8. Federal Financial Administration Proclamation No.57/1996.
9. Oromia Financial Administration Regulation No.8/1998.
10. Oromia Financial Administration Proclamation No. 17/1997
11. The Penal Code of Ethiopia, 1957.
12. Special Penal Code of Ethiopia No.214/82.
13. The FDRE Constitution
14. Federal Courts Proclamation No.25/1996
15. Prosecutors Administration Regulation No.44/1998
16. Federal Police Proclamation No.207/2000

CHAPTER VI: CONCLUSIONS AND RECOMMENDATION

5.1. CONCLUSIONS

It is self evident that corruption hampers development endeavors. It introduces discrimination and arbitrariness in decision making so that rules, regulations and procedures become irrelevant. As a result, it deepens the violations of the whole spectrum of human rights.

As has been noted, corruption surfaces when a public official either intentionally infringes laws or use his/her discretionary power in pursuit of personal gain or for the benefit of others. The unduly secured gain could be money or any other benefit.

The study that has been conducted revealed that there is not as such a problem of awareness about various types of corruption or its nature among the informants. The proof for this assertion is that the informants of this study identified illicit acts ranging from bribing to leaking government secrets to the third party in return for some kind of benefit as corrupt acts.

Also they were asked to identify the most susceptible institutions to corruption, they labeled finance (department) bureaus, police, judiciary, urban work and development as well as *Kebele* administrations as the most corrupt prone institutions.

The study probed various legislations that have impact on corruption. One of the legal documents, which the study looked into, was the human rights section or the third chapter of the FDRE constitution.

Obviously enforcing human rights at courts of law and via other agencies has invaluable contribution in combating corruption. As a matter of fact, any perpetration of corrupt acts infringes upon fundamental rights and freedoms recognized in the constitution and international instruments. If a person is denied access to public funded services being unable to give bribe or becomes victim of nepotism or favoritism, there is no doubt that the principle of non-discrimination and equality is trampled. The victim is entitled to take the case to court to redress the violation.

The other problem is that the rights put forward both in the Federal constitution and international instruments are too general to apply them to a specific case at court of law. Therefore, lack of specific legislation that helps implement the rights enshrined both in the constitution and international instruments impeded the realization of the rights.

The study also considered other legislation and regulations and examined their transparency, the discretionary power they accorded to public officials and whether they are free from ambiguity or not.

The findings of the study showed that the legislation and regulations, for instance, do not put the duration required to accomplish certain tasks; nor do they notify the procedures on how a given office operates and what is expected from a client. The loopholes create opportunity for corrupt-public officials to victimize clients using this discretionary power.

Although there has been no penal provision that defines what constitutes a corruption both in the penal code and special penal code there are adequate, if not complete, provisions that punish offences that fall within the domain of corruption. The major problem related to penal provisions is that they are scattered in different legislation. This has created inconvenience in locating them. Consolidating penal provisions, apart from easing problems of judges and lawyers looking into different legislation, helps the public at large to know from a single document what constitutes corruption and refrain from engaging in such acts.

The other problem that obstructs the punishment of a wrongdoer involved in corruption is the problem of evidence. Obviously corruption is an offence committed clandestinely, hardly leaving a trace of evidence. Perpetrators are thus left unpunished.

As corruption is an offence committed in secret, police has not been successful (save in few cases) in tracing evidence that could be corroborated against the suspect so far. As a result culprits are left unpunished. The major setback here can be ascribed to the absence of well-trained, highly skilled personnel in tracing and discovering evidence and a special agency exclusively working to investigate corruption offences.

5.2. RECOMMENDATION

Corruption has become a formidable challenge to development, the respect of human rights as well as political stability of the nation. The problem has its root in the prevalent apathetic public attitude towards corruption and absence of accountability and transparency at all levels of government structure. Therefore, in order to combat corruption and bring about a lasting solution, a joint and multi-faceted approach involving different_actors is required.

Currently the government is preparing to launch an anti-corruption campaign. It has planned to establish an anti-corruption institution, promulgate new punitive laws and conduct ethical education. No doubt, the measures will have tremendous effect in combating corruption

In addition to this the government should take additional measures that consolidate its effort. The FDRE constitution recognizes the fundamental rights and freedoms. But due to the absence of relevant legislation, citizens are unable to redress violations by corrupt people. In this regard, the government should:

- Publish all international instruments ratified by Ethiopia in the Federal Negarit-Gazeta so that courts and the public could take a judicial notice.
- Translate the international instruments in the working language of the Federal government and the languages of Federal units.
- Promulgate substantive and procedural laws that help the implementation of the rights enshrined in international instruments and the constitution.

In order to help judges, lawyers and the public to conveniently find provisions of offences of corruption in different legislation, the government should:

- Consolidate the scattered penal provisions that punish offences that fall within the domain of corruption.
- The law enforcement agencies have serious capacity limitations both in terms of skilled human resource and institutional capability, which contributes to their incompetence in fighting corruption; therefore, the government should exert an effort to strengthen these institutions.

The findings of the study revealed that law enforcement agencies have almost failed to bring the culprits to justice owing to lack of evidence.

In order to overcome this problem the government should:

- Establish a specialized agency consisting of well-trained and highly skilled personnel to investigate corruption offences.
- Enhance the capacity of police officers that are engaged in crime investigation.
- Promulgate laws that help to tackle corruption, consistent with the constitution and international human rights instruments.
- Issue codes of conduct for public officials that define how officials should behave in disposing their duties.

Persons, who have neither the qualification nor the competence, lack self-confidence and feel that they could be removed from office at any time before their tenure is over. Absence of job security prompts them to an outright embezzlement, bribery or nepotism. To overcome this problem:

- The assignment of government posts must be based on meritocracy and qualification.

The study also shows that the regulations or the directives issued to control government procurement could not achieve their goal of doing away with corrupt practices. For instance, the finance administration regulation confers a very wide discretionary power to the body entrusted with concluding contracts. The government should:

- Review regulations relating to procurement procedures which leave room for corruption and impropriety
- Ensure transparency and accountability, which has remained the key problem in financial administration.
- Ensure the internal working procedures in government offices and service giving agencies are free from ambiguity.
- Reform-working procedures that give wide discretionary power to officials.
- Put in place mechanisms for the public to know about the working procedures of government offices.

Civil Societies

Even though the study revealed that members of the community are aware of the damage which corruption causes to the national economy and indirectly to the lives of citizens, it is admitted that people are not bold enough to report corrupt practices to relevant authorities. This fact must change because the main actors that ought to play a major role in this regard are civil society institutions.

Civil society institutions could contribute much in developing and strengthening the ethics and practices of the public sector, raising the awareness level of the public on what constitutes corruption, on the harms ensuing from it and on what is expected of them in fighting corruption including the procedures to be pursued, as well as refraining themselves from corrupt practices.

Media

Considering that there is unrestricted freedom of expression and discussion of public affairs, the effectiveness of the media may not be doubted. In a society where the media is allowed to scrutinize the conduct of government offices, those who dare to indulge in corrupt practices are definitely very few.

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ANNEX 1: DATA COLLECTION TOOLS

I. QUESTIONNAIRE

This questionnaire has been prepared by APAP in order to examine the relationship between corruption and the legal system of Ethiopia. We request your cooperation in filling out this questionnaire. Thank you for your cooperation on behalf of the beneficiaries of this study. We would also like to suggest that open and straightforward answers are helpful to the study.

Writing one's name is not mandatory. Please indicate your answers by putting either "X" or "✓" marks in the blank space.

A. Profile of Respondents

1. Sex M F
2. Age _____
3. Level of Education (put mark on one of the following)
 - 3.1. Higher education

Certificate	Degree
Diploma	Above
 - 3.2. Secondary education (from 9 - 12)
 - 3.3. Elementary education (from 1 - 8)
4. Address (City) _____
5. Occupation (Position or responsibility) _____
6. Duration of occupation _____

B. General Knowledge

1. Which of the following can be the cause of corruption and also can be attributed to the proliferation of corrupt practices?

Causes of Corruption	Yes	No
Low Pay		
Absence of Punitive Measures		
Lack of Transparency		
Failure to clearly identify those officials and employees involving in corruption		
Lack of effectiveness and expediency in the performance of government offices without corruption.		
Lack of law that encourages and protects those officials and employees who divulge corrupt practices		
Lack of appropriate rules and regulations for monitoring and follow up		
Failure of existing societal values to		

Causes of Corruption	Yes	No
condemn those officials enriched through corruption.		

2. Do you think the following areas are open to corrupt practices in Ethiopia?

Areas of Corrupt Practices	Yes	No
Purchase of goods in government offices.		
Determination of customs duty rate.		
Determination of tax rate.		
Police Work /Especially traffic police		
Immigration		
Licenses and permits.		
Distribution of items under government monopoly		
Construction and land distribution		
Responsibilities assumed by government appointment.		

3. Why do you think people are indifferent to or shun witnessing corrupt practices?

Reasons	Yes	No
The belief that the corrupt practice has no effect on them		
The belief that corrupt practices have benefit but cause no harm		
The belief that the person who		

Reasons	Yes	No
perpetrated the corrupt act did no wrong		
The belief that reporting the crime has no effect		
Failure to understand corruption as a crime		
Belief that the corrupt official will be disappointed		
Fear of retaliation from the corrupt public official or body		
Lack of knowledge as to how and to whom to report		
To avoid giving testimony during investigation		

2. INTERVIEW GUIDELINES

1. Complaints on services delivered by an office.

- ◆ Causes and types of complaints.
- ◆ The relationship between the complaints and corruption.

2. Internal corruption controlling mechanism.

- ◆ Availability of the mechanisms.
- ◆ Their adequacy to combat corruption.
- ◆ Performance evaluating mechanisms available.

3. Combating corruption

- ◆ *Efficiency of the office to fight corruption and reasons for not being so.*
- ◆ Capacity building activity undertaken to fight corruption with in the organization and its effect.

4. Reporting and investigating corrupt practices

- ◆ How corrupt practices committed in the office are disclosed.

- ◆ Type of cases brought frequently to a court of law and their investigation.

3. AREAS ON WHICH CASE STUDIES WERE CONDUCTED

- ◆ Auction
- ◆ Procurement
- ◆ Appraisal

ANNEX II: PROFILE OF RESPONDENTS

Table 1 Age Pattern of Respondents

Age Group	Frequency	%
<29	217	29.5
30 - 39	314	42.7
40 - 49	128	17.4
50 - 59	33	4.5
60 - 69	7	1.0
>70	2	0.3
Not Stated	34	4.6
Total	735	100.0

Table 2 Distribution of Respondents by Sex

Sex	Frequency	%
Male	618	84.1
Female	105	14.3
Not Stated	12	1.6
Total	735	100.0

Table 3 Respondents' Level of Education

Age Group	Frequency	%
Elementary Education (1-8)	26	3.5
Secondary Education (9-12)	144	19.6
Certificate	183	24.9
Diploma	190	25.9
First Degree	148	20.1
Second Degree and above	14	1.9
Not Stated	30	4.1
Total	735	100.0

Table 4 Respondents' Group

Respondent's Group	Frequency	%
General Public	192	26.1
Prosecutors	76	10.3
Judges	52	7.1
Police Officers	105	14.3
Civil Servants	164	22.3
Administrative Officials	145	19.7
Not Stated	1	0.1
Total	735	100.0

Table 5 Distribution of Respondents by Region

Regions	Frequency	%
Addis Ababa	129	17.6
Amhara	153	20.8
Dire Dawa	64	8.7
Harar	91	12.4
Oromia	143	19.5
SNNP	155	21.1
Total	735	100.0

Table 6 Work Experience of Respondents

Years of Work	Frequency	%
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Experience		
<5	224	30.5
6 - 10	180	24.5
11 - 15	96	13.1
16 - 20	107	14.6
21 - 25	38	5.2
> 25	41	5.6
Not Stated	49	6.7
Total	735	100.0