



## CORRUPTION AND UNEQUAL SOCIETY: IS CORRUPTION BENEFICIAL TO SOCIETY?

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### Abstract

*Corruption is a serious challenge to the optimal use of public resources for society's benefit. The personalisation of public resources by greedy public officials can have serious consequences for the provision of public services. There is however a school of thought that argues that corruption can be beneficial to society. This is especially so, in commercial transactions where corruption enables "efficiency" for the parties involved. This paper explores the debates for and against corruption and makes some informed recommendations. Doctrinal research methods are used to carry out the study of this paper. The major finding of this paper is that the view that corruption has some benefits for society is unfounded.*

**Keywords:** Corruption, Public Officials, Demerit of Corrupt practices, Inequality

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## Introduction

Corruption is a serious threat to the existence of humanity. This is because, in its most severe form, it drastically affects every sector of society. The economic, social, or political development of any society can seriously be derailed, if corruption is not tackled and kept in check. A Kenyan court has stated that: -

‘corruption is a cancer which robs the society in general, but more particularly the poor, when resources of a country, whether public or privately controlled, are siphoned into local or foreign accounts, for the benefit of a few individuals or groups thereof ... it is a form of terrorism and tyranny to the poor, the majority of our population.’<sup>1</sup>

The efforts to fight corruption have been ongoing since the nation-state was established in Athens. It is believed that corruption is as old as ‘organized human life’.<sup>2</sup> In this article, the origins of corruption are retraced. The debates that have occurred on how to define corruption are examined. The debates on what corruption is, have consequently enabled a categorization of corruption in its various manifestations. The school of thought that claims that corruption has benefits for society is probed. A review of how corruption creates an unequal society is explored. In furtherance of the justification of how corruption creates an unequal society, the consequences of corruption on various sectors of society are studied. The article concludes by recapping the key themes and proposing a way forward on how to curb corruption.

## Origins of Corruption

A well-known corruption scholar has noted that corruption is as old as ‘organized human life’.<sup>3</sup> Perhaps this is exemplified by the Biblical story of Judas Iscariot, who for a few pieces of silver betrayed his master, Jesus Christ, to the Romans.<sup>4</sup> In the ancient world, corruption existed. The vice was, however, not frowned upon, as it is presently.<sup>5</sup> Many scholars who have studied

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<sup>1</sup> *Dr. Christopher Ndarathi Murungaru v Kenya Anti-Corruption Commission and Hon. Attorney General*, [2006] eKLR.

<sup>2</sup> Klitgaard R. *Controlling Corruption* (1988) 7.

<sup>3</sup> Klitgaard (1988) 7.

<sup>4</sup> Verses 14 -16, Chapter 26, Gospel of Mathew, Holy Bible.

<sup>5</sup> Klitgaard (1988).

corruption for decades, often cite an Indian text,<sup>6</sup> to justify that corruption indeed existed in the ancient world.<sup>7</sup> Farrales points out that ‘in the Indian text, Kautilya, an adviser to the Indian emperor, Chandragupta Maurya counsels the emperor of the necessity to fight corruption’.<sup>8</sup> Apart from ancient India, corruption was also a rampant occurrence in ancient Greece and Rome.<sup>9</sup> In fact, MacMullen claims that corruption was one of the major reasons for the collapse of the Roman Empire.<sup>10</sup> Greece was not different either.<sup>11</sup> Consequently, the Council of Areopagus was mandated to monitor corruption in Athens.<sup>12</sup> In the year 350 B.C.E., Aristotle points out that the Council of Areopagus had the mandate to ensure the proper execution of the law.<sup>13</sup> It also oversaw the fundamental aspects of the government of the state of Athens. The renowned philosopher notes that the Council carried out judicial duties and even executed sanctions against those who disobeyed set laws.<sup>14</sup> The Council of Areopagus also acted as an oversight body, to ensure that magistrates administered their offices, by the set laws. Any citizen of Athens was allowed to make a complaint to the Council of Areopagus, detailing what wrong had been done to him.<sup>15</sup> Corruption did not spare ancient China.<sup>16</sup> Lambsdorff, Taube, and Schramm point out that ancient China had stern penal laws for corrupt behaviour.<sup>17</sup> The scholars further state that in the 3<sup>rd</sup> century B.C., the Qin dynasty enacted severe penal laws on corruption. In the 11<sup>th</sup> century, a Chinese reform-minded economist noted, that without a careful selection of individuals to serve in government positions, corruption can arise even with good laws and institutions in place.<sup>18</sup> He

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<sup>6</sup> Kautilya, 1991, *The Arthashastra*, New Delhi: Penguin Books.

<sup>7</sup> Corruption scholars such as Daniel Kaufmann and Vito Tanzi cite this Indian text in their various works on corruption.

<sup>8</sup> Farrales MJ ‘*What is Corruption? A History of Corruption Studies and the Great Definitions Debate*,’ (2005) San Diego: University of California, at page 4. Available at <http://ssrn.com/abstract=1739962> (accessed 8 July 2019).

<sup>9</sup> Farrales (2005) 4.

<sup>10</sup> MacMullen R *Corruption and the decline of Rome* (1988).

<sup>11</sup> Wilson RC *Ancient Republicanism: its struggle for liberty against corruption* (1989). Wilson in his aforementioned work notes that the practice of democracy in Athens was riddled with corruption.

<sup>12</sup> Aristotle discusses the role of the said body in his work, *The Constitution of Athens*.

<sup>13</sup> Aristotle *The Constitution of Athens*, see Part 3 & 4. The aforementioned work by Aristotle is translated into English by Sir Frederic G. Kenyon.

<sup>14</sup> Aristotle Part 3 & 4.

<sup>15</sup> Aristotle Part 3 & 4.

<sup>16</sup> Lambsdorff Taube & Schramm (eds.) *The New Institutional Economics of Corruption* (2005).

<sup>17</sup> Lambsdorff Taube & Schramm (2005).

<sup>18</sup> Wang An Shih was a Chinese economist during the song dynasty in the 11<sup>th</sup> century. He advocated for ‘new policies’, a socioeconomic program that was deemed controversial at the time.

states that ‘but what I wish particularly now to emphasize is that history proves it to be impossible to secure proper government by merely relying on the power of the law to control officials when the latter are not the right men for the job.’<sup>19</sup> In Africa, the earliest corrupt behaviour can be traced to Egypt, during the rule of the 1<sup>st</sup> Dynasty between 3100 - 2700 BC.<sup>20</sup> Corruption was prevalent in the Egyptian judicial system.<sup>21</sup> El-Saady uses textual evidence, biographies, and religious texts to claim that corruption existed in ancient Egypt, and various sanctions were legislated in the fight against corruption.<sup>22</sup> El-Saady claims that evidence of strict laws on corruption in ancient Egypt is found in the royal decrees of Horemheb.<sup>23</sup> El-Saady states that the decree of Horemheb prescribed severe punishment for corrupt judges and priests of the Upper and Lower Egypt.<sup>24</sup> The decree of Horemheb stated that any judge, official or priest ‘who shall engage in corrupt behaviour shall be sentenced to death’.<sup>25</sup> El-Saady however, notes that other sanctions existed for the punishment of bribery in ancient Egypt. The sanctions included being sacked from occupying a public office. An official could also lose their rank in society.<sup>26</sup> Consequently, this section illustrates that advocacy against corruption has been ongoing for centuries, and is not about to cease. Having discussed the historical viewpoint on corruption, it is now appropriate to delve into definitional debates on corruption.

### Historical Outline of Corruption

The origins of the word ‘corruption’ are in Latin.<sup>27</sup> The Latin word from which the English word ‘corruption’ originates from is ‘corruptus’. The word ‘corrupts’ is the past participle of the Latin word ‘corrumpere’. The word ‘corrumpere’ means to ‘mar, bribe, destroy’ in the English

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<sup>19</sup> As cited in Alatas (1968) 8.

<sup>20</sup> El-Saady H ‘Considerations on Bribery in Ancient Egypt’ (1998) 25 *Studien Zur Altgyptischen Kultur*, 295-304. Available at <http://www.jstor.org/stable/25152765> (accessed 9 July, 2019).

<sup>21</sup> El-Saady (1998) 25.

<sup>22</sup> El-Saady (1998) 25.

<sup>23</sup> See BAR III, § 63-4; Davies BG ‘Egyptian Historical Records of the Later Eighteenth Dynasty’ facs. VI, 1995, 81., cited in El-Saady (1998) 25.

<sup>24</sup> El-Saady (1998) 25.

<sup>25</sup> BAR III, § 64a; C. LA; OUETTE, *Textes sacres et textes profanes de l’ancienne Egypt*, 1984, 83., as cited El-Saady (1998) 25.

<sup>26</sup> El-Saady (1998) 25.

<sup>27</sup> Harper D Online Etymology Dictionary (2016) available at <https://www.etymonline.com/word/corrupt>. Accessed on (12 July, 2019).



language.<sup>28</sup> The debate on how to define corruption is an old one. This is partly due to the cross-cutting nature of corruption studies.<sup>29</sup> Philips has noted that agreeing on a universal general definition of what constitutes corruption, is impossible.<sup>30</sup> Farrales suggests that the only way to make some headway is to ‘distinguish between competing approaches’.<sup>31</sup> It should, however, be pointed out that there is no universally accepted definition of corruption. This is because of the differences in culture, around the world. What may be considered corruption in one part of the world, maybe gift-giving in another. This has also not been helped by the fact that corruption scholars emanate from a variety of professional backgrounds. Consequently, in the course of their studies of corruption, they use a variety of research methodologies, which are indigenous to their professions.

No wonder, that none of the provisions of the United Nations Convention Against Corruption (UNCAC) defines corruption.<sup>32</sup> This is so, even when some member states pressed for the inclusion of a definition of corruption in the UNCAC at the drafting stage.<sup>33</sup> The UNCAC however, covers some main types of corruption. These include bribery,<sup>34</sup> embezzlements and misappropriation of public funds,<sup>35</sup> abuse of functions and illicit enrichment,<sup>36</sup> and obstruction of justice.<sup>37</sup> The drafters chose to list activities that would amount to corruption to allow for flexibility in the future.<sup>38</sup> Even when the United Nations has worked for many years on preventing and eradicating corruption, an all-encompassing definition is yet to emerge from the instruments it has adopted.<sup>39</sup>

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<sup>28</sup> Harper D (2016).

<sup>29</sup> Farrales (2005).

<sup>30</sup> Philp M ‘Defining Political Corruption’ in Heywood, Mark Phillips (ed.) *Political Corruption* (1997).

<sup>31</sup> Farrales (2005) 13.

<sup>32</sup> Argondona A ‘The United Nations Convention Against Corruption and its Impact on International Companies’ (2006) Working Paper No. 656., 5., also available at <http://ssrn.com/abstract=960662>

<sup>33</sup> See A/AC.261/IPM/11 of 12 November, 2001 and A/AC.261/IPM/24 OF 7 December, 2001. Some of the countries that pressed for the inclusion of a definition include the Philippines and Peru.

<sup>34</sup> Articles 15, 16 and 21 of the UNCAC.

<sup>35</sup> Articles 17 and 22 of the UNCAC.

<sup>36</sup> Articles 19 and 20 of the UNCAC.

<sup>37</sup> Article 25 of the UNCAC.

<sup>38</sup> Argondona (2006) 5.

<sup>39</sup> Efforts by the United Nations to combat corruption can be traced to provisions in many of its earlier instruments. For example, in the Basic Principles on the Role of Lawyers (1990), the International Code of Conduct for Public

## Categorisation of Corruption

Having wound up the definitional debates, it is important to state that these definitional debates have also influenced the categorization of corruption.<sup>40</sup> The most prominent classification of corruption is the one between petty and grand corruption. Farrales notes that Rose-Ackerman was among the earliest scholars, to have pointed out this distinction in her work.<sup>41</sup> Rose-Ackerman suggested that while the essential motive behind petty corruption is monetary benefits, with grand corruption, it was either monetary benefits or the urge to stay in office.<sup>42</sup> Rose-Ackerman further noted that the effect of petty corruption was not the same as that of grand corruption on society. She suggested that grand corruption involved a substantial expenditure of funds with a major impact on a government budget and growth prospects.<sup>43</sup> ‘Petty corruption’ involved routine government transactions such as tax payments, permit allocations, or regulation enforcement, whose impact is less substantial’.<sup>44</sup> Farrales points out examples of early scholarly work on grand corruption, including the efforts of Scott.<sup>45</sup> In his work, Scott explores the function of ‘political parties, electoral machines, and democratic pressure’ in India, Thailand, and Ghana.<sup>46</sup> Edited volumes by Bull and Newell also provide a good account of grand corruption.<sup>47</sup> Bull and Newell assemble a group of experts to critically examine grand corruption in the developed world. Petty corruption can also be traced to Caiden and Caiden’s earliest work on administrative corruption.<sup>48</sup> Klitgaard also studies petty corruption in Hong Kong, Singapore, and the Philippines.<sup>49</sup> The divide between grand and petty corruption can also be attributed to the public-office-centered definitions of corruption because the distinction has centered around the nature of office being

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Officials (1996), the Code of Conduct for Law Enforcement Officers (1979), Manual of Practical Measures on Corruption (1990), among others.

<sup>40</sup> Farrales (2005) 28.

<sup>41</sup> Farrales (2005) 28.

<sup>42</sup> Rose-Ackerman S ‘The Political Economy of Corruption’ In Kimberly A. Eliot (ed.) *Corruption and Government: Causes, Consequences and Reform* (1997) 27.

<sup>43</sup> Rose-Ackerman (1997) 27.

<sup>44</sup> Farrales (2005) 29.; also see Rose-Ackerman (1997) 27.

<sup>45</sup> Farrales (2005) 29.

<sup>46</sup> Scott JC *Comparative Political Corruption*. (1972).; also see work by Della PD and Vannucci A *Corrupt Exchanges: Actors, Resources and Mechanisms of Political Corruption*. (1999).

<sup>47</sup> Bull MJ & Newell J *Corruption in Contemporary Politics*. (2003).

<sup>48</sup> Caiden G & Caiden N ‘Administrative Corruption’ *Public Administration Review* (May-June): 300-309; also see Klitgaard (1988).

<sup>49</sup> Klitgaard (1988).

abused.<sup>50</sup> The divide between grand and petty corruption, is the difference between political and administrative offices. In grand corruption, the political leader, in an agent-principal relationship, is answerable to citizens, while in petty corruption, the bureaucrat is answerable to the political leaders.<sup>51</sup> Beyond the aforementioned classification of the literature on corruption, some scholars have categorized corruption according to the ‘developed’ and ‘developing’ countries. Farrales suggests that: -

‘among the reasons usually given for such a categorization, are that market structures are inherently different in developing societies, that traditional notions of authority sometimes conflict with new forms of public office, and that economic and other types of market reform, in developing societies, lead to changing incentives for opportunistic behaviour’.<sup>52</sup>

Farrales concludes by stating that, this manner of theorizing about the various kinds of corruption, has a market-centered approach to defining corruption.<sup>53</sup>

Another theoretical categorization of corruption is the public-interest-centered approach, in which Heidenheimer points to the ‘frequency’ and ‘degree’ of the impact of the corrupt act.<sup>54</sup> Heidenheimer highlights the difference between ‘routine’ and ‘aggravated’ corruption.<sup>55</sup> Robinson, on the other hand, distinguishes between ‘incidental, institutional and systematic corruption’.<sup>56</sup> The scholarly efforts of Heidenheimer and Robinson emphasize the arguments in favour of public-interest-centered definitions.

### **Does Corruption Have Benefits?**

Can corruption be justified in society on the basis that it encourages efficiency and the cost of doing business, thus enabling economic development? Some scholars argue that efficiency is an important quality.<sup>57</sup> Rawls ‘accepts some sacrifice of equality in exchange with efficiency,

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<sup>50</sup> Farrales (2005) 30.

<sup>51</sup> Farrales (2005) 30.

<sup>52</sup> Farrales (2005) 31.

<sup>53</sup> Farrales (2005) 31.

<sup>54</sup> Heidenheimer (1970).

<sup>55</sup> Heidenheimer (1970).

<sup>56</sup> Robinson MM *Corruption and Development* (1998).

<sup>57</sup> See Rawls J *A theory of Justice* (1999).

provided that inequality is to the greatest benefit of the least advantaged'.<sup>58</sup> Consequently, You argues that 'inequality can have a functional role up to a certain limit under certain conditions. So, one might argue that corruption can be justified by its functional role under certain conditions.<sup>59</sup> Other scholars suggest that corruption 'greases the wheels' and consequently has a positive impact on the economic development of a country.<sup>60</sup> Bardhan has pointed out that corruption facilitates the overcoming of formalities by making them more moderate and less demanding. Bardhan also claims that this is a benefit that, consequently speeds up a transaction, which leads to economic growth.<sup>61</sup> Fayed cites Bardhan, who also suggests that 'as long as there is competition between different bribers, allocation efficiency will be sustained'.<sup>62</sup> Bardhan notes that in the case of Sub-Saharan Africa, corruption opens up closed markets, which consequently increases competition.<sup>63</sup> You claims that 'corruption cannot be justified whenever it increases efficiency, because efficiency gain is not always just'. He suggests that in case of inefficient laws that apply to all equally, the other persons that bribe the bureaucrats, do so for their advantage but not for the benefit of others.<sup>64</sup> You consequently suggests that 'it is hard to imagine having efficiency gain that is beneficial to the least advantaged through corruption unless everyone engages in corruption and benefits from it.'<sup>65</sup> It has been suggested that in developing countries, which have inefficient regulations, corruption may increase efficiency and spur economic development.<sup>66</sup> You suggests that corruption has been often regarded as a cost of commerce, where the benefit is greater than the cost.'<sup>67</sup> He points out that payment of a bribe to bureaucrats will facilitate the bribers to be served first, at the expense of others that do not pay bribes. You further states that the bureaucrats may

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<sup>58</sup> Rawls (1999) 57-58.

<sup>59</sup> You JS *Corruption as Injustice*, San Diego: Annual Meeting of Political Science Association, August 30 September 2, (2007) 21.

<sup>60</sup> See Levy D 'Price adjustment under the table: Evidence on efficiency-enhancing Corruption' (2007) 23 (2) *European Journal of Political Economy*, 423. Khan MH *A Typology of Corrupt Transactions in Developing Countries*. (1996) 27 (2) 12.

<sup>61</sup> Bardhan P *Corruption and Development* (1997) A Review of the issues, *Journal of Economic Literature.*, at 1320.

<sup>62</sup> Fayed AA 'Researching Corruption: Understanding its Key Concepts' (2018) Vol. 11, *Rule of Law and Anti - Corruption Journal* 4. Also available at: <https://doi.org/10.5339/rolecc.2018.11>.

<sup>63</sup> Leff N 'Economic Development Through Bureaucratic Corruption' in Ekpo MU (ed.) *Bureaucratic Corruption in Sub-Sahara Africa: Towards a Search for Causes and Consequences*, as cited in Fayed (2018) 4.

<sup>64</sup> You (2007) 21.

<sup>65</sup> You (2007) 21.

<sup>66</sup> Bayley DH 'The Effects of Corruption in a Developing Nation' 19(4) *Western Political Quarterly*: 719-732.

<sup>67</sup> You (2007) 22.





even decide to delay the processes in the absence of a bribe.<sup>68</sup> Zak and Knack also have claimed that when many people benefit from corruption, society encounters declining levels of ‘social trust and increased corruption’.<sup>69</sup> Consequently, the arguments for the economic efficiency of corruption are negative to society. Several empirical studies have indicated so.<sup>70</sup> Actually, the empirical studies indicate that the efficiency argument in favour of corruption has ‘significant negative effects on economic efficiency in the long run’.<sup>71</sup> You cites other scholars and states as follows: -

... empirical studies show that the negative effect of corruption on development is not restricted to a narrow sense of economic development but extended to a broader meaning of “human development” such as education, health care, and even to subjective well-being. There is evidence that corruption lowers expenditures on education. ... A high level of corruption has adverse consequences for a country’s child and infant mortality rates, percentage of low-birthweight babies in total births, adult literacy rate, and dropout rates in primary schools. People who live in more corrupt countries have lower levels of happiness or life satisfaction on average.<sup>72</sup>

Therefore, it may be conclusively submitted that the short-term benefits of corruption to the economy of a particular country, are of no consequence to the harmful long-term effects of this vice, on its economic development.

### **How Corruption Creates an Unjust Society**

It was noted earlier that there is a school of thought that justifies corruption as a tool that ‘greases the wheels’ which enables the economic growth of a country. An opposing school of thought, however, has noted that corruption has long-term negative effects on economic development. Consequently, there is nothing advantageous that results from corruption. The Organization for

<sup>68</sup> You (2007) 22.

<sup>69</sup> Zak PJ and Knack S ‘Trust and Growth’ (2001) *The Economist Journal* 111.

<sup>70</sup> See the work of Kaufmann D, Kraay A & Ziodo-Lobaton P ‘Governance Matters’ World Bank Research Paper No. 2196 (Washington DC: World Bank, 1999); also see Mauro P ‘Corruption and Growth’ (1995) 110 *Quarterly Journal of Economics* 681-712.

<sup>71</sup> Kaufmann, Kraay & Ziodo-Lobaton (1999).

<sup>72</sup> You (2007) 25., also see Mauro (1995) 110 681-712., Kaufmann, Kraay & Ziodo-Lobaton (1999)., Gupta S, Davoodi R & Rosa Alonso-Terme R ‘Does Corruption Affect Income Inequality and Poverty?’ (2002) 3 *Economics of Governance*, Helliwell JF and Huang H, ‘How is your Government? International evidence linking good government and well-being’ Working Paper (2005).



Economic Co-operation and Development (OECD) has noted that corruption has severe effects on the economic, social, and political growth of all sectors of life, of all nations.<sup>73</sup> OECD points out that business resources that would facilitate businesses to innovate and stay competitive are instead re-directed to the bribery of bureaucrats. The OECD further states that individuals working in government convert public resources for their personal use at the expense of society.<sup>74</sup> This conversion of public resources by individuals working in government has led to a scarcity of public resources that should facilitate the well-being of their people. The OECD also further suggests that corruption facilitates human trafficking which exacerbates the challenge of refugees.<sup>75</sup> The Secretary General of the OECD, Angel Gurría, also notes that corruption is going to be a major challenge in achieving the 2030 sustainable development goals.<sup>76</sup>

### **Effects of Corruption on the Various Sectors of Society**

Corruption can severely cripple and affect various sectors of society if left unchecked. These severe effects of corruption can consequently lead to economic, social, and political instability in society. Hereunder, some of the essential sectors of society that may be affected by corruption are traversed.

#### ***Economy***

Corruption can severely undermine the economic development of a nation in several ways to the detriment of the citizens.<sup>77</sup> Corruption can impede private sector production by raising the cost of doing business as bribes increase the price of a business to conclude a transaction. This consequently ‘eats’ into the profitability of a business.<sup>78</sup> This perverted business environment can be a disincentive for entrepreneurs. Investments can be distorted, with businesses preferring to use their resources to engage in the bribery of bureaucrats to join the exclusive cartel of insiders. This,

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<sup>73</sup> OECD *Putting an End to Corruption* (2016). Also available at: [www.oecd.org/putting-an-end-to-corruption.pdf](http://www.oecd.org/putting-an-end-to-corruption.pdf).

<sup>74</sup> OECD (2016).

<sup>75</sup> OECD (2016).

<sup>76</sup> OECD (2016).

<sup>77</sup> OECD (2016) 1.

<sup>78</sup> OECD (2016) 1.



as a result, reduces the resources businesses can invest in productive investment.<sup>79</sup> This consequently affects the attractiveness of foreign direct investments to a country.<sup>80</sup> The efficient allocation of public resources is also distorted because of corruption.<sup>81</sup> Public officers allocate public resources to sectors where they will individually benefit, maximally. This is at the expense of the efficient allocation of public resources for the benefit of the general public.<sup>82</sup> These unethical activities, consequently affect the social welfare of citizens.<sup>83</sup> Education, healthcare, and water are some of the social welfare services that may be affected by corruption. This situation is exacerbated when these social services are privatized, which leads to a blurring of the private sector from the public sector.<sup>84</sup>

The quality of human resources in public service can also be affected by corruption.<sup>85</sup> This is because appointments to the civil service will be based on favouritism. Meritorious appointments to the civil service take backstage. This consequently, interferes with the quality of decision-making by those individuals appointed through favouritism.<sup>86</sup> In most cases, their decision-making will mirror the wishes of those who appointed them. This may be evidenced in the inefficient allocation of public resources to less-deserving sectors.<sup>87</sup> Tax evasion may also flourish in an environment that is riddled with corrupt individuals.<sup>88</sup> The OECD points out that corruption related to customs is costing the world about two billion United States Dollars, annually.<sup>89</sup> Closing the loopholes in tax evasion in countries, can go a long way in enabling a good business environment that enables economic growth.<sup>90</sup> Poor citizens also are at the receiving end of

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<sup>79</sup> OECD (2016) 1.

<sup>80</sup> Javorcik B & Wei SJ 'Corruption and cross-border investment in emerging markets: Firm-level evidence' (2009) 29 *Journal of International Money and Finance* 605-624.

<sup>81</sup> OECD (2016) 1.

<sup>82</sup> OECD (2016) 2.

<sup>83</sup> OECD (2016).

<sup>84</sup> International Council on Human Rights & Transparency International (2009) 45.

<sup>85</sup> OECD (2016) 2.

<sup>86</sup> OECD (2016) 2.

<sup>87</sup> OECD (2016) 2.

<sup>88</sup> OECD (2016) 2.

<sup>89</sup> OECD (2016) 2.

<sup>90</sup> OECD (2016) 2.

inefficient allocation of public resources by corrupt civil servants. This is further exacerbated when social programs intended to help the poor, are badly managed.<sup>91</sup>

### *Democracy*

All citizens of a country are entitled to participate in public processes. For example, they are entitled to vote and stand for elections, to freely assemble and associate, and to have equal access to public services, among others.<sup>92</sup> Corruption can undermine these democratic values. Not only can corruption affect the electoral processes of a country, but it can also affect the accountability mechanisms in place.<sup>93</sup> For example, opposition political leaders and political activists may be bribed into silence. The control of the public budget may also be undermined by illegal money that impairs its management.<sup>94</sup> This unrestrained use of money during election campaigns can also cause inflation in an economy. Commercialisation of electoral processes may produce elected leaders, that are not accountable to the people, but to themselves.<sup>95</sup> It is a well-known value that citizens should exercise their human rights to public participation, voluntarily. In the face of undue influences, the citizens' consent is manufactured by political leaders, who bribe their way to public office.<sup>96</sup> This environment then exacerbates corruption because a national assembly that is supposed to hold the executive organ of government to account, will not do so. The members of parliament will be preoccupied with using their elected position, to corruptly recover the funds that they used during the last electoral campaigns. They will not mind about the actual reason, why they were elected into public office; to represent the interests of the public. Consequently, any policy that the executive arm of government presents as a Bill, will sail through Parliament, as a law, unopposed, at the expense of the citizens.<sup>97</sup> This state of affairs, eventually leads the

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<sup>91</sup> OECD (2016) 2.

<sup>92</sup> International Council on Human Rights & Transparency International (2009). 43., also see provisions for citizens' rights to public participation in Article 25 of the ICCPR, and Article 13 of the African Charter.

<sup>93</sup> OECD (2016) 4.

<sup>94</sup> OECD (2016) 3.

<sup>95</sup> Walyemera DM Campaign Finance Regulation and Enhanced Governance in Uganda: A case study of the 9<sup>th</sup> Parliament (unpublished LLM Thesis, Makerere University, 2016).

<sup>96</sup> Walyemera (2016).

<sup>97</sup> Walyemera DM 'Commercialization of Parliamentary Elections in Uganda' *East African Journal of Peace & Human Rights* (2018) 24(2) 182. Also available at <https://ssrn.com/abstract=3410338>.

government into losing legitimacy and legality.<sup>98</sup> It can, in turn, lead to economic, social, and political instability, if citizens lose trust in the government.

### ***Public Administration***

The public resources that should efficiently be used to serve society are misappropriated in the face of corrupt practices in civil service.<sup>99</sup> Public procurement of services is awarded to businesses, that can offer kickbacks to civil servants, but not based on the best bidding business. This may occur in critical sectors of public works. As a result of these corrupt practices, companies contracted to perform public works deliver sub-standard work.<sup>100</sup> These corrupt practices, consequently lead to lower expenditure on the provisions of social services like education and health. These corrupt practices may also affect the business environment of an economy and in the long term, can become trade barriers.<sup>101</sup>

### ***Health***

Corruption can lower the quality of healthcare that a society is entitled to, from its available public resources. Corruption in the health industry can occur in three main ways. First, in the management and allocation of resources to health.<sup>102</sup> Secondly, in distributing health provisions. This mostly happens in the supply-chain process of manufacturing, marketing, procurement, and prescription of medical supplies. Thirdly, in the relationship between medical personnel to their patients.<sup>103</sup> The ability of an individual to access quality healthcare is severely impaired in a fraudulent national healthcare system. For example, corruption in the pharmaceutical sector can harm patients' health, if the marketing of drugs in the sector, is not strictly organized by government regulatory agencies.<sup>104</sup> If drug marketing is not controlled, medical personnel can prescribe medicines to their patients that have no benefit to them. Some of the prescribed medicines may

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<sup>98</sup> OECD (2016) 3.

<sup>99</sup> OECD (2016) 3.

<sup>100</sup> OECD (2016) 3.

<sup>101</sup> OECD (2016) 2.

<sup>102</sup> OECD (2016) 2.

<sup>103</sup> International Council on Human Rights & Transparency International (2009) 53.

<sup>104</sup> International Council on Human Rights & Transparency International (2009) 53.

even cause harm to the patients. Corruption can lead to an increase in the price of essential medicines and other health services.<sup>105</sup> This increase in the price of essential medicines, can make it difficult for the vulnerable in society, to access life-saving drugs.<sup>106</sup> Corruption may also make it difficult for citizens to access safe drinking water, and receive an adequate supply of safe food and nutrition. In a corrupt environment, the likelihood of citizens, having protection from threats to their occupational and environmental health is severely impaired.<sup>107</sup>

### ***Education***

In the education sector, the prevalence of corruption may impede access to quality education for all.<sup>108</sup> It may also limit access to free education for the vulnerable when the public resources meant to equip the education institutions are diverted to other uses. In most countries, the education sector occupies a key social service to society, which requires a lot of public resources.<sup>109</sup> This environment exacerbates chances for corruption. These corrupt activities may manifest in form of embezzlement of education resources, examination fraud, ‘engineered’ tenders, and the charging of unlawful registration fees, among other fraudulent acts.<sup>110</sup> In higher education, academic corruption has taken the route in such a manner that it has caused panic. Recent efforts to combat academic corruption have been led by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and the Council for Higher Education Accreditation (CHEA) which called on institutions of higher learning to establish effective quality assurance systems to curb fraudulent practices.<sup>111</sup> Nabaho and Turyasingura suggest ‘the setting of academic integrity standards, institutional and program accreditation, accreditation of academic journals, sharing information and promoting whistleblowing, monitoring of institutions, applying sanctions, and

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<sup>105</sup> OECD (2016) 1.

<sup>106</sup> International Council on Human Rights & Transparency International (2009) 53.

<sup>107</sup> International Council on Human Rights & Transparency International ‘(2009) 52.

<sup>108</sup> International Council on Human Rights & Transparency International ‘(2009) 56.

<sup>109</sup> International Council on Human Rights & Transparency International (2009) 56.

<sup>110</sup> International Council on Human Rights & Transparency International (2009) 56.

<sup>111</sup> United Nations Education, Scientific, and Cultural Organization (UNESCO) & Council for Higher Education Accreditation (CHEA) *Advisory statement for effective international practice: Combating Corruption and enhancing Integrity: A contemporary challenge for the quality and credibility of higher education.* (2016) Available at <https://unesdoc.unesco.org/ark:/48223/pf0000249460>.

ranking of higher education institutions based on integrity indicators’ as some of the possible solutions to curb the vice of academic corruption.<sup>112</sup>

### *Media*

There is consensus among academia, researchers, and scholars that media plays a key role in the fight against corruption.<sup>113</sup> The media plays a key role in enabling the public to access information about how the leaders are managing public resources on behalf of society. Consequently, the media can expose corrupt activities to the public when they do occur.<sup>114</sup> A 2018 OECD study indicates that two percent of corruption cases resulted from media reports on alleged corruption.<sup>115</sup> Media, therefore is a key anti-corruption tool.<sup>116</sup> Freedom House has found that transparency in public affairs is enhanced with free media, which is a key tenet of having accountable leadership.<sup>117</sup> The mainstream media’s role as a watchdog, has been boosted with various alternative media, such as social media and blogs that cover various sectors of society.<sup>118</sup> Investigative journalism has also been acclaimed for exposing significant corruption scandals, hence becoming a key anti-corruption mechanism.<sup>119</sup> Satirical works have also been known to expose corruption.<sup>120</sup> This is especially so, in societies that have been deprived of an education and are poor. The simplified manner in which cartoons can, for example, sensitize people about corruption and consequently, empower them to take action is well-known. Examples of the power of satirical works that empower communities to organize for societal reform are many, world over.<sup>121</sup>

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<sup>112</sup> Nabaho L & Turyasingura W ‘Battling Academic Corruption in Higher Education: Does External Quality Assurance Offer a Ray of Hope?’ (2019) *Higher Learning Research Communications, Online Version*, available at <http://dx.doi.org/10.18870/hlrc.v9i1.449>.

<sup>113</sup> Fardigh MA *What’s the use of a Free Media – The Role of Media in Curbing Corruption and Promoting Quality of Government?* (unpublished Ph. D Dissertation, University of Gothenburg, (2013).

<sup>114</sup> Mendes M *Overview of Corruption in the Media in Developing Countries* (2013) Transparency International U4 Expert Answer.

<sup>115</sup> Wasil S *Media and Anti-Corruption* (2019) Transparency International U4 Helpdesk.

<sup>116</sup> Chene M *Gender Equality and Corruption* (2019) Transparency International U4 Helpdesk.

<sup>117</sup> Fardigh (2013).

<sup>118</sup> Wasil S *Media and Anti – Corruption* (2019) Transparency International U4 Helpdesk.

<sup>119</sup> Wasil (2019).

<sup>120</sup> Wasil (2019) 11.

<sup>121</sup> Wasil (2019) 11.

The power that the media wields as an anti-corruption tool, renders it vulnerable to corrupt characters who do not want to be exposed, or who would use it to serve their interests by misinforming the public.<sup>122</sup> The influence of the media can take various forms. It may be by bribing journalists to cover or not to cover certain news stories. It may also include the use of regulations on unfriendly media, by a corrupt government. It may also include the denial of advertisements to particular media houses, who are performing their watchdog role by exposing corrupt behaviour.<sup>123</sup> The lack of comprehensive training for journalists in a particular society, can be a facilitator of unethical behaviour. The Journalists may take bribes, to cover news stories in a particular way, for corrupt persons.<sup>124</sup> The structures of ownership of the media houses may also weaken the media as an anti-corruption tool.<sup>125</sup> State-owned media will, in most cases, favour coverage of the government agenda, at the expense of exposing corruption. Private media, on the other hand, will favour whoever can sustain the business as a profit-making business.<sup>126</sup> Therefore, business interests and government can easily manipulate such private media houses into covering up corrupt deeds of the government or business interests, at the expense of the public.<sup>127</sup> The media as an anti-corruption mechanism is significantly weakened under such a hostile environment, where regulations, low salaries, bribes, nepotism, gifts, and advertisements, among others, dictate how news is covered.<sup>128</sup>

### ***Administration of Justice***

The administration of justice can seriously be compromised by corruption. Corruption in the court system is a serious threat to the dispensation of justice to society. This is especially so if only those persons who can bribe or exert political influence on the court judicial officials are the ones who get favourable decisions. Transparency International (TI) has defined judicial corruption as: -

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<sup>122</sup> Mendes (2013).

<sup>123</sup> Ramaprasad et. al. 'Ethics – Ideals and Realities' in Contemporary BRICS Journalism – Non-Western Media in Transition, Pasti S & Ramaprasad J (eds.) (2018)., also see Mendes M *Overview of Corruption in the Media in Developing Countries* (2013) Transparency International U4 Expert Answer.

<sup>124</sup> Schriffirin A *Global Muckraking – 100 Years of Investigative Journalism from Around the World* (2014).

<sup>125</sup> Mendes (2013) 4.

<sup>126</sup> Mendes (2013) 4.

<sup>127</sup> Mendes (2013) 4.

<sup>128</sup> Wasil (2019) 13.



‘acts or omissions that constitute the use of public authority for the private benefit of court personnel, and result in the improper and unfair delivery of judicial decisions. Such acts and omissions include bribery, extortion, intimidation, influence peddling, and the abuse of court procedures for personal gain’.<sup>129</sup>

The true test of a corruption-free and democratic society is a society, where the rule of law is respected, by those holding power. One of the key tenets of a democratic society is the observance of the right to a fair trial.<sup>130</sup> The right to a fair trial must consequently, result in an effective remedy for a litigant. The key agents of judicial corruption are the police, the prosecutors, and court officials.<sup>131</sup> For example, a police officer investigating a crime, may alter the evidence that is supposed to incriminate a suspect. A prosecutor may also be paid a bribe by a suspect to evaluate the evidence in a biased way. Court officials can be paid a bribe, to misplace or lose a court file or to allocate a file to a particular judge.<sup>132</sup> In light of the aforementioned challenges, human rights instruments have established standards that deal with the administration of justice.<sup>133</sup> A good system of administration of justice must be effective and efficient in its procedures and must also address the rights of the parties.<sup>134</sup> Human rights bodies have developed standards on the right to due process, over some time, based on treaties that are binding to member states. Apart from binding treaty law, there are soft law instruments that also establish standards. It is important to point out that, soft law instruments do not have the same binding authority as treaties.<sup>135</sup> Some of the key soft law standards in combating corruption in the courts are embedded in the Bangalore Principles of Judicial Conduct.<sup>136</sup> The Bangalore Principles were framed following

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<sup>129</sup> Global Corruption Report *Corruption in Judicial Systems* (2007) Cambridge: Cambridge University Press, 2007.

<sup>130</sup> The right to fair trial is provided for by many human rights instruments. These instruments include Article 14 of the ICCPR, Article 7 of the African Charter, among others. The Ugandan Constitution also provides for a right to fair trial under Articles 23 & 28.

<sup>131</sup> International Council on Human Rights Policy & Transparency International ‘Corruption and Human Rights: Making the connection’ (2009) 36., Also available at <http://ssrn.com/abstract+1551222>.

<sup>132</sup> International Council on Human Rights Policy & Transparency International (2009) 36.

<sup>133</sup> Articles 23 & 28 of Constitution of the Republic of Uganda; Article 14 of the ICCPR; Article 7 of the African Charter, among others.

<sup>134</sup> International Council on Human Rights Policy & Transparency International (2009) 35.

<sup>135</sup> International Council on Human Rights Policy & Transparency International (2009) 35.

<sup>136</sup> In 2000, the Judicial Integrity Group was established under the United Nations Global Programme against Corruption, address challenges around the world, that judicial integrity, was declining.

public uproars, in many countries, that corruption had engulfed the court system. This led to a decline in public confidence in the court's ability, to resolve disputes, in several countries.<sup>137</sup>

The provisions of the Bangalore Principles have been used as model codes of judicial conduct, in many countries.<sup>138</sup> The Bangalore Principles prescribe six ideals, namely independence, impartiality, integrity, equality, propriety, competence, and diligence, which should be considered by judicial officers, in the course of executing their duties.<sup>139</sup> In the administration of justice, human rights standards demand compliance with the values provided for by the Bangalore Principles. These values which include 'independence, competence, and impartiality of tribunals' can be categorized into three limbs.<sup>140</sup> First, the values of administration of justice. Secondly, the access to justice rights of the litigants, and thirdly, the efficiency of the trial procedure. Regarding the values of the administration of justice, it is important to state that judicial independence can be compromised by corruption in varying ways. These may include bribery and political interference, among others.<sup>141</sup> Bribes can be used by court users or be demanded by court officials to influence the outcome of court decisions. Bribery can also deter the provision of court services to the public, which should be provided, as part of the normal duties of court officials.<sup>142</sup>

Political interference with the administration of justice may take different forms. These can include outright bribery, intimidation, or threats of court officials to act in the interests of the politicians as opposed to the interests of the rule of law.<sup>143</sup> If politicians interfere with the appointment process of judicial officers and their terms and conditions of service, then judicial decisions, that the judicial officers eventually make, will be perceived by the public, to be biased. The manipulation of the appointment process of judicial officers tends to lower the quality of judicial officers. Instead of appointing persons who are qualified and competent to execute judicial duties by the law, only those persons who are perceived as "cadres" of the ruling party will be appointed.<sup>144</sup> Judicial

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<sup>137</sup> International Council on Human Rights Policy & Transparency International (2009) 35.

<sup>138</sup> International Council on Human Rights Policy & Transparency International (2009) 36.

<sup>139</sup> International Council on Human Rights Policy & Transparency International 36.

<sup>140</sup> International Council on Human Rights Policy & Transparency International 37.

<sup>141</sup> International Council on Human Rights Policy & Transparency International 39.

<sup>142</sup> International Council on Human Rights Policy & Transparency International 39.

<sup>143</sup> International Council on Human Rights Policy & Transparency International 39.

<sup>144</sup> President Museveni has several occasions said that the Judiciary in Uganda would be filled with cadre judges. Also see Odora O 'Uganda Judicial Stacking: President Museveni's War on Independent Court' (2013) available at

officers who show attempts to be independent, will be moved from lucrative appointments and threatened with demotion.<sup>145</sup> Politicians can also use the legal regime, to intimidate independent-minded judicial officers out of their judicial appointments, to enable their corrupt political scheming, to come to fruition.<sup>146</sup> This corrupt political scheming undermines the tenets of a democratic society.

Secondly, the right to a fair trial of litigants relates to many procedural rights. These include: - the right to be presumed innocent until proven guilty; the right to a public hearing; the right to be given particulars of the offense charged; the right to legal representation; the right to remain silent and refuse to testify; the right to not to be convicted under retrospective criminal laws; the right to call and examine witnesses, among other fair trial rights.<sup>147</sup> All persons are entitled to these procedural guarantees of a fair trial. In the face of corruption by the litigants or the court officials, these fair trial rights can severely be compromised, leading to unfair and unjust outcomes from the courts.<sup>148</sup>

Thirdly, the efficiency of the trial procedure relates to the ‘reasonable time’ within which a trial is commenced and completed. What is a reasonable time, depends on the ‘circumstances and complexity of the case’.<sup>149</sup> In corruption cases, one of the tactics of lawyers defending suspected corrupt persons, is to delay the trial process. This may be by way of throttling the court's administrative processes with frivolous interlocutory applications and communications to the court.<sup>150</sup> Whereas due process is an important element in the fight against corruption, it can be used to stifle criminal prosecution of corrupt individuals, in the courts as seen above.<sup>151</sup>

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[www.blackstarnews.com/global-politics/africa/uganda-judicial-stacking-president-museveni%E2%80%99s-war-on-independent-court.html](http://www.blackstarnews.com/global-politics/africa/uganda-judicial-stacking-president-museveni%E2%80%99s-war-on-independent-court.html) on a detailed analysis of this.

<sup>145</sup> International Council on Human Rights Policy & Transparency International 37.

<sup>146</sup> In April, 2019, Walter Onnoghen, an independent minded Chief Justice of Nigeria, was hounded out of office, because the ruling party politicians anticipated a presidential election petition, would be filed before the Supreme Court of Nigeria by opposition presidential candidates, after they had rigged the presidential election. Indeed, the presidential election petition was filed after the general elections and the Nigerian Supreme Court ruled in favor of President Muhammadu Buhari's All Progressives Congress (APC), the ruling party, with a new Chief Justice appointed by President Buhari, presiding over the said election petition.

<sup>147</sup> All the aforementioned fair trial rights are found in chapter 4 of the Constitution of Uganda, 1995. At the international level, the ICCPR also reproduces the aforementioned rights.

<sup>148</sup> International Council on Human Rights Policy & Transparency International 38.

<sup>149</sup> International Council on Human Rights Policy & Transparency International 39.

<sup>150</sup> International Council on Human Rights Policy & Transparency International 39.

<sup>151</sup> International Council on Human Rights Policy & Transparency International 39.

The right to a fair trial may also be compromised if the witness and victim's protection mechanisms in place are weak or non-existent.<sup>152</sup> The prosecution of corrupt persons is reliant on witnesses who come forward with information about these crimes. If the witness protection mechanisms are weak or non-existent to protect their identity, they are at risk from those whom they have testified against. If the identity of witnesses is revealed, they are likely to fear reprisals to their lives and consequently withdraw from providing vital evidence to the prosecution of corruption cases.<sup>153</sup> As a result, victims of these corruption crimes will suffer, without any accountability mechanism to bring to book the suspected criminals. This state of affairs may encourage impunity and exacerbate corrupt practices.<sup>154</sup> The aforementioned set of challenges to prosecuting corruption, led state parties to the UNCAC to agree to obligations to ensure that witness and victims protection programs are legislated into law in domestic settings.<sup>155</sup> In the absence of a strong victim and witness protection mechanism, the court system may also suffer harm due to its inability to prosecute corrupt practices.<sup>156</sup>

For the administration of justice to be effective, the remedies for the litigant must be effective. In *Jawara v. The Gambia*, the African Commission laid out the key principles of an effective remedy.<sup>157</sup> It indicated that a remedy must be 'available, effective and sufficient'.<sup>158</sup> The African Commission decided that a remedy is considered available if the petitioner can pursue it without impediment, it is deemed effective if it offers a prospect of success, and it is found sufficient if it is capable of redressing the complaint.<sup>159</sup> The African Commission also noted that 'the existence of a remedy must be sufficiently certain, not only in theory but also in practice, failing which, it

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<sup>152</sup> International Council on Human Rights Policy & Transparency International 40.

<sup>153</sup> International Council on Human Rights Policy & Transparency International 40.

<sup>154</sup> International Council on Human Rights Policy & Transparency International 40.

<sup>155</sup> See Articles 32 & 33 of UNCAC that requires state parties to domesticate its provisions on victim and witness protection. Uganda ratified the UNCAC on 9 September 2004. Uganda has domesticated this particular provision by enacting the Whistle Blowers Act, of 2010. Efforts to put the protection mechanisms in place are non-existent. It should be noted that whistle-blower laws can be abused by malicious people who may damage the reputations of people as a result of malicious and false reports. Consequently, legal arrangements should be available, to remedy the reputations of persons who have been maliciously reported.

<sup>156</sup> International Council on Human Rights Policy & Transparency International 40.

<sup>157</sup> (2000) AHRLR 107 (ACHPR 2000) para 32.

<sup>158</sup> (2000) AHRLR 107 (ACHPR 2000) para 32.

<sup>159</sup> (2000) AHRLR 107 (ACHPR 2000) para 32.

will lack the requisite accessibility and effectiveness'.<sup>160</sup> The African Commission further stated that a remedy that has no prospect of success does not constitute an effective remedy.<sup>161</sup> The state must ensure that the judicial system can deliver an effective remedy to victims. In the absence of this safeguard, impunity may reign supreme. The state, therefore, must ensure that victims have a right to an effective remedy.<sup>162</sup> An effective court system should be able to observe the litigant's rights to an effective remedy. This right can only be observed in a judicial system that ensures equality in law and practice.<sup>163</sup> When the remedies are granted by the court, they should be 'accessible, effective and enforceable'.<sup>164</sup> Many international human rights instruments, consequently provide for the right to an effective remedy.<sup>165</sup> The African Charter, however, does not provide for this right.<sup>166</sup> Even though the African Charter does not provide for the right to remedy, jurisprudence from the African Commission indicates that this right is recognized, as the African Commission in adjudicating matters before it, can refer to jurisprudence from other regional or international human rights systems.<sup>167</sup>

Therefore, corruption in the court system can interfere with the right to an effective remedy, where a state fails to investigate perpetrators of a crime. For example, if a person is dismissed from a job, who sues their former employer? The employer then bribes the judge, who rules in favour of the former employer.<sup>168</sup> That person's right to a fair trial and an effective remedy would have been violated. This may create an environment of impunity.<sup>169</sup> Public respect and confidence in court decisions can only be achieved if the public believes that the court officials are incorruptible.

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<sup>160</sup> (2000) AHRLR 107 (ACHPR 2000) para 35.

<sup>161</sup> (2000) AHRLR 107 (ACHPR 2000) para 38.

<sup>162</sup> Article 2(3) of the ICCPR.

<sup>163</sup> International Council on Human Rights Policy & Transparency International 42.

<sup>164</sup> International Council on Human Rights Policy & Transparency International 42.

<sup>165</sup> See for example Article 2(3) of the ICCPR; Articles 2 & 3 of ICESCR; Articles 2 & 3 of CEDAW.

<sup>166</sup> The African Union Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, under Part C provide for a right to remedy. It should be noted that these principles are soft law. The Preamble of the Principles cites Articles 5,6,7,26 and 45(c) of the African Charter which concern the right to a fair trial and are relevant in regard to the right to remedy.

<sup>167</sup> *Jawara v The Gambia* (2000) AHRLR 107 (ACHPR 2000) para 32., for a detailed account of this right to an effective remedy on the African Continent, see Musila G 'The right to an effective remedy under the African Charter on Human and Peoples Rights' (2006) 6 African Human Rights Law Journal.

<sup>168</sup> International Council on Human Rights Policy & Transparency International 42.

<sup>169</sup> International Council on Human Rights Policy & Transparency International 42.



Where the public perceives the courts to be corrupt, the authority of the judiciary is derailed. Consequently, judiciaries must strengthen their efforts to fight corruption within the court system.

### **Conclusion**

In this article, the origins of corruption have been reviewed. The definitional debates on corruption from a historical perspective have been traversed. The retracing of the definitional debates on corruption has also informed the categorization of corruption, over time. This classification of corruption, between grand and petty corruption, was traced to Susan Rose-Ackerman in the 1970s. Is corruption a necessary evil that ‘greases the wheels’? The school of thought that asserts that corruption has benefits for the economy was found to be irrational. The paper subsequently showed that corruption creates an unjust society when public resources meant for vulnerable populations are diverted for personal use. To show how corruption affects various sectors of society, the paper examined how corruption affects democracy, health, education, and human rights, among other sectors. The literature shows that corruption is a serious challenge to humanity. All efforts must be focused on fighting the said cancer because it affects all organs of society.