THE THEORIES OF DECENTRALIZATION AND LOCAL GOVERNMENT

IMPLEMENTATION, IMPLICATIONS, AND REALITIES.
A GLOBAL PERSPECTIVE

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Chapter Eleven

PERSPECTIVES ON CORRUPTION: "HE WHO PAYS THE PIPER"

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Key words: corruption, African countries, decentralization, anti-corruption initiatives

Introduction

Corruption is historical and global, existing in every society regardless of time and place. However, the extent and impact of corruption range from various acts of transgression in some societies to being deeply imbedded in the institutions of others. The consequences of corruption also vary from a mere loss of money for a few individuals to the loss of lives for entire groups of people. This chapter examines perceptions of corruption across various countries in Africa, taking into account the hegemonic discourse of Western nations, and offers contrasting instances of corrupt acts in U.S. municipalities.[1]

Among African countries, there are numerous examples of corruption that contribute to social injustice across the continent. For example, the Democratic Republic of Congo is a major oil producer in sub-Saharan Africa yet 70 percent of the population lives in poverty. In addition, one third of the oil revenue is unaccounted for (McFerson, 2009). Similarly, Angola annually produces over $1 billion (American dollar – USD) of oil – of which 25 percent is unaccounted for. The majority of the population lives on less than one dollar per day (McFerson, 2009). In the Nigerian Delta, oil and gas account for 85 percent of government revenues, but two-thirds of the population lives in poverty (McFerson, 2009).

An institutional perspective has been used as the framework for anti-corruption reforms in Africa. Studies have found that corruption is less likely to occur in affluent countries and more likely to occur in countries under authoritarian regimes with valuable natural resources (Chang & Godden, 2009; Treisman, 2000). There is also a common perception in the literature that corruption is less likely to occur in democracies due to factors such as freedom of the press, a well-informed public, equality, and openness (Triesman, 2000). When power is centralized, there is both motive and opportunity for corruption. Ayittey (2005) asserts, "The centralization of both economic and political power turns the state into a pot of gold that all sorts of groups compete to capture. Once captured, power is then used to amass huge personal fortunes, to enrich one's cronies and tribesmen, to crush one's rivals, and to perpetuate one's rule in office" (48). Research has demonstrated a relationship between corruption and centralized structures that afford discretion only among

top leaders (Antwi-Boasiako & Bonna, 2009; Joaquin, 2004; Meagher, 2001). Considered a necessary element of democracy, decentralization is correlated with economic growth and deemed an indirect means to minimize corruption when transparency and participation are included in reform efforts (Antwi-Boasiako & Bonna, 2009; Joaquin, 2004). Yet decentralization, if it is to have effect, must provide for true independence of action and perspective, lest the corrupting influences of concentrated economic and political power find and exploit the ethical vulnerabilities of decentralized units of government.

Decentralization as Agent of Checking Corruption

The theme of decentralized authority runs strongly through the study of African democracies (Antwi-Boasiako, 2010). Although it is an infeasible and misguided enterprise to attempt to describe of the whole of an immense continent using a single governing framework, the tension in many of the countries between centralization and decentralization represents a potent issue. Moreover, African democracies offer important institutional factors, such as tribal structures and traditions (Antwi-Boasiako & Bonna, 2009), that bear on questions of governmental structure and capacity for official venues and procedures to operate without undue influence from traditional leadership sources.

The question of decentralization and corruption has been of keen interest to scholars, who have come down on both sides of the role of governmental structure in ameliorating corruption. Cross-national studies (Arikan, 2004; Fisman and Gatti, 2002) indicated that decentralizing governmental units could result in diminished corruption. Treisman (2007) argued that cross-national studies failed to take into account Protestant religious tradition and longstanding democratic governance. However, counterexamples in Box 1 drawn from U.S. localities provide qualitative evidence that Protestantism and long experience with democracy are hardly a panacea for the corrupting influence of concentrated unofficial power.

The notion that localized authority is more responsive to the voice of the citizenry has occupied broader comparative inquiries (Mikesell, 2007). The difficulty of concentrated power distancing public officials from concerns that legitimately should compel their attention has a number of roots. One cause of this distance is the absorption in bureaucratic issues that increases as administrative authority coalesces. Another rationale for separation of public officials from citizens' concerns is self-dealing, cronyism, or oligarchy that may follow non-transparent operation of government, obscured from popular observation.

Yet one aim for this chapter is the isolation of the structural factors that concentrate or distribute authority from the other influences—cultural, environmental, and institutional—on the level of de facto governmental decentralization. In the examples drawn from cases of U.S. corruption in local governments (see Box 1), apparent checks and balances due to structure appear to have been frustrated by concentration of unofficial, but very real, power in political parties, commercial interests, and personal networks.

Notwithstanding the apparent choice of decentralization, the premise drawn from a recent study of Ghana (Antwi-Boasiako, 2010) is that official barriers—such as the central

193

appointment of a significant proportion of local positions—preclude even the possibility of developing structures accessible to local citizenry. The balance of this chapter focuses on the situation African democracies face in institutionalizing borrowed norms that may or may not successfully integrate with the structural residuum of the colonial era and the preexisting traditional institutions that contend with these official structures.

The Proliferation of Anti-corruption Initiatives in Africa

The institutional perspective of corruption has resulted in the proliferation of anti-corruption measures and reform initiatives. In 1991, the World Bank supported twice as many reform efforts than in the decade prior (Therkildsen, 2001). A few years later, "... the World Bank (1994:99) argued that the public sector lies at the core of the stagnation and decline in growth in Africa" (Therkildsen, 2001::5). By 1997, the Public Management Service (PUMA) division of the Organization for Economic Cooperation and Development (OECD) posited that an ethics infrastructure is necessary for public service integrity. Elements of the ethics structure include political commitment, legal framework, accountability mechanisms, codes of conduct, mechanisms for professional socialization, 'supportive public service conditions' (e.g., adequate pay, fair treatment), an ethics coordinating body, and 'an active civic society' (5).

Several measures have been developed to assess and compare corruption among countries. For example, Transparency International's (TI) Corruption Perception Index (CPI) is widely used among scholars and practitioners in the public and private sector. The CPI compiles data for 183 countries. CPI scores range from zero representing most corrupt to ten representing least corrupt. Corruption is considered serious challenge when scores are between three and five, and rampant when scores are below zero. Botswana is the only African country to receive a score above five. Table 1 provides data on the 2011 CPI ratings for countries in Africa.

According to the *East African bribery index* published by Transparency International (2011), Burundi, Uganda, Tanzania, and Kenya exhibit the highest prevalence of bribery.[2] Among the respondents who reported that bribes were requested in their interactions with institutions, Uganda residents reported 39percent, followed by Tanzania (32 percent), and Kenya (29 percent). Fifty-six percent of respondents from Tanzania who experienced bribery did not report it due to lack of confidence in the anti-corruption system, followed by Kenya (40 percent), and Uganda (36 percent). The most corrupt organizations included the Kenya Police and the Department of the Ministry, the Uganda Police and the Uganda Revenue Authority, and the Tanzania Police and judicial system.

The World Bank has developed *Worldwide Governance Indicators* (WGI) that includes voice and accountability, political stability, government effectiveness, regulatory quality, rule of law, and control of corruption. One report on WGI by Kaufman, Kraay, and Mastruzzi (2009) reported improvements in governance between 1998 and 2008:

- Ghana and Niger had demonstrated improvements in voice and accountability;

- Political stability had increased in Algeria, Angola and Sierra Leone;
- Government effectiveness and rule of law had improved in Rwanda;
- Control of corruption and rule of law had improved in Liberia;
- Improvements in regulatory quality were reported for the Democratic Republic of Congo and Libya.

In contrast, degeneration among governance dimensions was reported for Zimbabwe, the Cote d'Ivoire (Ivory Coast) and Eritrea.

The *Global Integrity Report* (2010) scores countries on a scale of 0 to 100 on internet censorship, access to government information, and professionalism of the civil service. In 2010, the following African countries received a 100 (no internet censorship): Nigeria, Somalis, South Africa, and Tanzania. Cameroon received a score of 63 and Ethiopia received a score of 25. The percentage of citizens with access to the internet was not included in the results. Regarding access to government information, five African countries were ranked as bottom performers—Somalia (17), Cameroon (8), Tanzania (6), Nigeria (2), and Egypt (0). Regarding professionalism of civil service, two out of four of the bottom performers were the African countries of Somalia (33) and Angola (30).

The International Monetary Fund (IMF) has developed the *Open Budget Index* (OBI) to assess budget transparency and accountability. Scores range from zero to 100 with 100 being the highest ranking. In 2010, South Africa received a score of 92 compared to the United States (82). The following African countries were placed in the third category as providing "some information": Uganda (55), followed by Ghana (54), Namibia (53), Botswana (51), Kenya (49), Egypt (49), Malawi (47), and Tanzania (45). Several African countries were also included in the "minimal category": Liberia (40), Zambia (36), Mali (35), Mozambique (28), and Angola (26). Half of the 22 countries that were categorized as providing "scant or no information" were in Africa: Nigeria (18), Rwanda (11), Sudan (8), Democratic Republic of Congo (6), Burkina Faso (5), Niger (3), Senegal (3), Cameroon (2), Algeria (1), Chad (0), Equatorial Guinea (0), and Sao Tome and Principe (0).

Assessing Anti-Corruption Initiatives

Most African countries have established anti-corruption laws and regulations as well as codes of conduct. For example, Zambia enacted the Corrupt Practices Act in 1980, the Parliament and Ministerial Code of Conduct Act in 1994, and the Anti-corruption Commission Act in 1996 ("Summary Report", 2007). Various countries have also been signatories to anti-corruption treaties such as the United Nations Convention against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPACC) ("Summary Report", 2007). To the degree that anti-corruption reforms are linked to governance reforms, readers should be aware that in 1989 the majority of countries in Africa were either one-party states or military dictatorships (Meredith, 2005)—table 1 delineates current forms of government.

Despite reform efforts, some countries demonstrate little to no change in the percep-

tion and prevalence of corruption. For example, similar to the 2011 CPI results reported in table 1 of this chapter, Zimbabwe was a 2.1 and DRC was 1.9 in 2007 ("Summary report", 2007). Another example is found in Uganda—although the country has enacted several anti-corruption initiatives (e.g. Prevention of Corruption Act 1970; Office of Inspector General established in 1987; Code of conduct for civil servants), there is a major gap between what is on paper, and what is enforced (Global Integrity, 2009). According to Yeh (2011), "Ugandan IGG is appointed by and serves at the pleasure of the president; this substantially weakens its authority to investigate and prosecute corruption that may involve the president and loyal elites" (634). Similarly, Tanzania enacted the 1971 Prevention and Corruption Act; established an Office of Controller and Auditor General; a Permanent Commission of Inquiry; and a Prevention of Corruption Bureau, problems persist because most of the positions within these organizations are at—will, appointed by the president (Yeh, 2011).

Explanations for Ineffective Anti-Corruption Initiatives

Reform efforts have been ineffective for several reasons, including:
- a lack of political will to implement reform (Kalantari, 2010);
- multi-party systems provide more opportunity for corruption;
- lack of accountability in public procurement systems due to an absence of strong monitoring and enforcement mechanisms ("Summary report", 2007).

For example, Antwi-Boasiako and Bonna (2009) explain, "In Ghana, politicians who advocate for decentralization are sometimes skeptical in giving or sharing power with their subordinates as the concept is not well understood" (27). Similarly, Therkildsen (2001) indicates that considerable decentralization has taken place in Uganda, however, "practically all ministries put up silent or quasi-active resistance to letting go of many of the decentralized functions" (37). In addition, Transparency International found that corrupt judicial systems in the Democratic Republic of Congo and Zimbabwe often block anti-corruption reforms ("Summary report", 2007). Positing that stronger institutional reforms are in order, some scholars (DeSpeville, 2010; Yeh, 2011) have considered the "Hong-Kong Model" since it incorporates a three-pronged approach of prevention, education, and enforcement. Enforcement in this model is unique because it establishes an independent body, separate from domestic leadership, to investigate and enforce policy.

11.1: 2011 Corruption Perception Index Scores for Countries in Africa

Country, Year of Independence	Form of Government	Country Rank	CPI Score
Algeria, 1962	Multi-party republic, 2 legislative houses	112	2.9
Angola. 1975	Unitary multi-party republic, 1 legislative house	168	2.0
Benin, 1960	Multi-party republic, 1 legislative house	100	3.0
Botswana, 1966	Multi-party republic, 1 legislative house	32	6.1
Burkina Faso,1960	Multi-party republic, 1 legislative house	100	3.0
Burundi,1962	Republic, 2 legislative houses	172	1.9
Cameroon, 1960	Unitary multi-party republic, 1 legislative house	134	2.5
Cape Verde, 1975	Multi-party republic, 1 legislative house	41	5.5
Central African Republic,1960	Multi-party republic, 1 legislative house	154	2.2
Chad, 1960	Unitary republic, 1 legislative house	168	2.0
Comoros, 1975	Republic, 1 legislative house	—	—
Republic of Congo (Middle Congo), 1960	Republic, 2 legislative houses	154	2.2
Democratic Republic of Congo(Belgian Cong. Zaire), 1960	Unitary multi-party republic, 2 legislative houses	168	2.0
Djibouti, 1977	Multi-party republic, 1 legislative house	100	3.0
Egypt	Republic, 2 legislative houses	112	2.9
Equatorial Guinea, 1968	Republic, 1 legislative house	172	1.9
Eritrea,1993	Transitional regime, 1 interim legislative house	134	2.5
Ethiopia	Federal republic, 2 legislative houses	120	2.7
Gabon, 1960	Unitary multi-party republic, 2 legislative houses	—	—
The Gambia,1965	Multi-party republic, 1 legislative house	77	3.5
Ghana, 1957	Multi-party republic, 1 legislative house	69	3.9

Guinea, 1958	Republic, 1 advisory body		
Guinea-Bissau, 1974	Republic, 1 legislative house	154	2.2
Ivory Coast (Cote d'Ivoire), 1960	Republic, 1 legislative house	154	2.2
Kenya, 1963	Unitary multi-party, 1 legislative house	154	2.2
Lesotho, 1966	Constitutional monarchy, 2 legislative houses	77	3.5
Liberia	Multi-party republic, 2 legislative houses	91	3.2
Libya, 1951	Authoritarian state, one policy making house *	168	2.0
Madagascar, 1960	Transitional regime, 2 legislative houses	100	3.0
Malawi, 1964	Multi-party republic, 1 legislative house	100	3.0
Mali (French Sudan), 1960	Multi-party republic, 1 legislative house	118	2.8
Mauritania, 1960	Republic, 2 legislative houses	143	2.4
Mauritius, 1968	Republic, 1 legislative house	46	5.1
Morocco, 1975	Constitutional monarchy, 2 legislative houses	80	3.4
Mozambique, 1975	Multi-party republic, 1 legislative house	120	2.7
Namibia, 1990	Republic, 2 legislative houses	57	4.4
Niger, 1960	Republic, 1 legislative house	134	2.5
Nigeria, 1960	Federal republic, 2 legislative houses	143	2.4
Rwanda, 1962	Multi-party republic, 2 legislative houses	49	5.0
Sao Tome and Principe, 1975	Multi-party republic, 1 legislative house	100	3.0
Senegal, 1960	Multi-party republic, 2 legislative houses	112	2.9
Seychelles	Multi-party republic, 1 legislative house	—	—
Sierra Leone, 1961	Republic, 1 legislative house	134	2.5
Somalia	Transitional regime	182	1.0
South Africa, 1961	Multi-party republic, 2 legislative houses	64	4.1
Sudan, 1956	Military backed interim regime, 2 legislative houses	177	1.6
South Sudan, 2011	Republic, 2 legislative houses		

Swaziland, 1968	Monarchy, 2 legislative houses	95	81
Tanzania, 1961	Unitary multi-party republic, 1 legislative house	100	80
Togo, 1960	Multi-party republic, 1 legislative house	143	24
Tunisia, 1956	Multi-party republic, 2 legislative houses	73	88
Uganda, 1962	Multi-party republic, 1 legislative house	143	24
Zambia (Northern Rhodesia), 1964	Multi-party republic, 1 legislative house	91	82
Zimbabwe, 1965	Transitional regime, 2 legislative houses	154	22

Sources: Data compiled from Transparency International, CPI and the Time Almanac, 2012. https://www.ethicsworld.org/publicsectorgovernance/ticpi.php#2011cpi

Therkildsen (2001) contends that by taking a top-down approach, many reform initiatives ignore the importance of street-level bureaucracy—the relevance of villages, community groups, and citizens through their interactions with public servants has been omitted. In contrast, Pope (2007), once an advocate for strong institutions, contends the emphasis on standards needs to shift to an emphasis on people and ethical values in order for anti-corruption reforms to be effective:

However, the more TI worked on trying to strengthen those institutions and to implement the international standards that we had helped create—frequently in alien settings and where others (including Western corporate interests) were seeking to undermine them—the greater the consciousness that, at the end of the day, it really does not matter how strong one's institutions are if the wrong people are inside them (76).

Examination of the U.S. examples of municipal corruption in Box 1 reinforces Pope's emphasis on personal values and his wariness about the influence of corporate interests. The example of Palm Beach County, Florida illustrates the capacity for concentrated economic interests to undermine nominal checks and balances provided by divided political power and structural distribution of authority. Cuyahoga County, Ohio responded to apparent abuses of political power in a modern-day "machine" by adopting a county executive form of government. Yet, the conviction of the previous county executive of Prince George's County in a "pay to play" scheme calls into question the reliance on governmental structure alone to ward off corruption. A second Maryland example, in Baltimore, reiterates the potential for concentrated political power—in this case from the Democratic Party—coupled with entrenched commercial interests to put susceptible individuals in power and exploit their ethical lapses. Thus, this examination of corruption in U.S. municipal governments ends where it began, with the pervasive power of commercial inter-

est able to introduce its influence wherever unethical officials can be located and their avowed service in the public interest corrupted.

In addition, several scholars (Antwi-Boasiako & Bonna, 2009; Haruna, 2008; Kalantari, 2010) have noted the importance of socio-cultural, historical, and political factors in developing strategies to curb corruption and have highlighted the importance of situational perspectives to understand the root causes of corruption, particularly the fact that the history of colonialism shapes public administration in Africa:

> From some individuals' perspective, African countries may see themselves as independent sovereign nations; but the shackles of colonialism and evils of slavery continue to haunt them as the colonizers and slave masters have developed new political policies to financially control these nations. Some have argued that when sub-Saharan Africans fought for independence in the 1960s and 1970s, they kept their masters' political structures with very little understanding of how these structures function (Antwi-Boasiako & Bonna, 2009:14).

Power was distributed between colonial appointees and a small number of local chiefs as a means to reinforce the objectives of colonial governments (Antwi-Boasiako & Bonna, 2009; Yeh, 2011). Some scholars (Theobold, 2008; Yeh, 2011) contend that such practices institutionalized patrimonial structures where politics and power are embedded in the policy process, leading to weak administrative structures that reflect patronage and abuse of public power for personal gain. As a result, many African leaders have been resistant to reform—"By the end of the 1980s, not a single African head of state in three decades had allowed himself to be voted out of office. Of some 150 heads of state…only six had voluntarily relinquished power" (Meredith, 2005:379).

Several African countries are also described as a "paradox of plenty" (McFerson, 2009), characterized by extreme poverty surrounded by a wealth of natural resources such as gemstones, minerals, oil, and gas. Although the number of African countries categorized by Freedom House as "not free" decreased from 25 in 1977 to 14 in 2007, "…all but one of the resource-rich countries is found in the "not free" category" (McFerson, 2009:1530). Beneath the surface, we are forced to confront the undesirable question of whether reform initiatives are authentically concerned with citizens or with capital. With the exception of economic regulation in terms of property registration, contract enforcement, and credit access, Angola and Equatorial Guinea consistently receive low rankings (McFerson, 2009). The World Bank advocates the view that economic development is important to reduce corruption and frequently collaborates with IMF, the European Investment Bank, and the United Nations (Michael, 2004). Sometimes monetary assistance counters the efforts reform by providing resources to sustain authoritarian regimes (Yeh, 2011). At other times, donor sponsored initiatives may distort accountability by leaving agencies accountable to their domestic constituents rather than to the intended recipients (Therkildsen, 2001). Although many of us may agree with proverb, "He who pays the piper calls the tune", we also need to question the extent to which donor sponsored initiatives have contributed to the hegemonic discourse of western ideas over traditional values throughout Africa.

Box 1

Corruption in U.S. Municipal Governments under a Variety of Structural Alternatives

Implementing a decentralized structure is viewed as a check on the capacity of a corrupt core to act with impunity (Bagchi, 2007). Yet the cases of U.S. local-level corruption described below reveal a basis for concentrated power that transcends structural factors. The subject cases of local government corruption occurred in the city of Baltimore, Maryland and the counties of Palm Beach, Florida, Cuyahoga, Ohio, and Prince George's, Maryland. The following sketches of these cases, some still being in adjudication, show how unethical individuals can coordinate corrupt efforts through the organizing aegis of concentrated political power or the concerted efforts of powerful commercial influences. It also helps to emphasize that unethical behavior and official corruption are enduring aspects of first-world governance rather than being the sole province of the developing world.

This examination of U.S. local government corruption begins in Palm Beach County, Florida, notorious as the "new capital of Florida corruption" after losing its third county commissioner in the span of two years, attributable to "a culture of graft that has plagued Palm Beach over the years" (Florin, 2009). The pay-to-play development environment later ensnared "mid-level bureaucrats" in a "six-year-long scheme that generated 77 criminal charges against 13 individuals…, which alleges everything from racketeering to money laundering to unlawful compensation" (Beall & Roldan, 2011). Despite the division of political power between political parties and rotation of personal power through term limits, the pro-development stance of the Palm Beach County Commission appears to reflect continued influence by powerful economic interests (Engelhardt, 2010).

Cuyahoga County, Ohio, contains Cleveland, a Democratic Party stronghold. Like Palm Beach County, an elected Board of County Commissioners governed the county. A successful ballot initiative, prompted by a massive corruption scandal, changed Cuyahoga County's system of government by instituting the elected county executive and council system in 2011. At the center of the scandal was County Commissioner Jimmy Dimora, described as "the most powerful man in Cuyahoga County politics" because of his position heading the county's Democratic Party organization (Brown, 2010). Along with Dimora, indictments targeted judges, the County auditor and a number of business owners and labor union officials.

Unlike the cases in Ohio and Florida, which are well known as "swing" states in American politics, where single-party domination is usually localized and/or transitory, Maryland is one of a handful of "true blue" (Democratic Party dominated) states in the Eastern U.S. The two cases of corruption occurred in Democratic Party strongholds, even by Maryland standards, both with "better than 8 to 1 Democratic to Republican margins" (Smith & Willis, 2011:54). Prince George's County, Maryland, houses many commuters to Washington, D.C. Its form of government, elected county executive and county council, mirrors the structure that Cuyahoga County adopted in reaction to endemic corruption. County Executive Jack Johnson had been the State attorney for Prince George's County prior to his election in 2002. He was completing his last term (prevented from running in 2010 by term limits) when charged and eventually convicted, in 2011, on bribery and extortion charges stemming from

a public housing development (Castaneda & Spivack, 2011).

The mayor of Baltimore, Maryland "heads an extremely strong an extremely strong and centralized mayoral system" (Smith & Willis, 2011:291). As chair of the City Council, Sheila Dixon automatically became mayor in 2006 when her predecessor, Martin O'Malley resigned the office after being elected governor and was elected in her own right in 2008 (Smith & Willis, 2011:293). Yet the embezzlement conviction for which forced Dixon to resign her office covered misdeeds when she chaired the City Council (Urbina, 2010). Her solicitation and misappropriation of gift cards from Baltimore developers reflected, "a cozy relationship between developers and politicians in this town" (Rohrbauch in Urbina, 2009:A16). Despite her distance from the structural power of then-Mayor O'Malley's administration, apparently endemic corruption found its way to a less powerful, though still influential position.

ENDNOTES

1. While it is unwise to place all African countries "under one umbrella" due to historical, cultural, geographical, governmental, and ethnic differences, our intent is to provide examples in a broader context.

2. TI defines bribery prevalence as "likelihood that an individual will be required to pay a bribe to access services at the national level" ("East Africa", 2011, p. 1).

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