

Fighting Corruption

An Urgent Task for Aid Agencies, Missionary Societies and Churches

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1. Introduction: The relevance of corruption for development

How can the funds for public and private development cooperation be increased? How can the funds available be used as effectively as possible for a development respecting human dignity serving the poor and marginalised? These two questions are part of the daily challenges that aid organizations like "Bread for All" have to face.

Corruption is one of the large obstacles to development; it reduces the efficiency of development efforts, undermines justice, weakens democracy, makes the rich richer and supports dictators – less in the area of private aid organizations, than within governmental, multilateral and private economy relations. Corruption is a worldwide phenomenon! No region and no country is free from corruption. Even if it is more visible in developing and transition countries than for example in Middle and Northern Europe, the players of corruption such as holdings in industrial countries or governmental or private institutions, that are tolerating and accepting corruption, are equally much involved in it!

Corruption today is a dominant issue on the agenda of practically all institutions of international politics, in particular since 1989. Why? In the 70s and 80s, it was extremely difficult to put this issue on the agenda. The efforts of the United Nations undertaken between 1975-79 had no result. One of the reasons for the opening-up of today is the end of the East-West differences and the ever-increasing liberalization of the global markets: It was possible to free the fight against corruption from ideologising, at the same time, the problem became more and more urgent, as destabilisation and liberalization processes of the society became more and more dominant. In 1994, the industrial countries started to dare developing new solutions to the problem within the OECD-structures. The World Bank, the EU and others have followed (see chapter 7 for more information).

It was in the early summer of 1994, when I read a newspaper article on the foundation of "Transparency International – Forum against corruption". The article followed me in my thoughts. I called their head office in Berlin to ask for material of how they intended to fight corruption. The concept of structural (both legal and voluntary) measures and the cooperation of state civil servants, enterprises, aid agencies and universities appealed to me. In the fall of 1994, "Bread for All" and the Institute for Social Ethics of the Swiss Federation of Protestant Churches hosted a conference on fighting corruption. In January 1995 an event was organized to bring together all interested parties in Switzerland that were involved in fighting corruption. The goal was to interlink them all. Upon the initiative of "Bread for All", the Swiss Section of Transparency International, Transparency Switzerland, was founded. The author has been its co-president and president from the foundation since February 1999. Now he serves as vice-president.

Since 1994, the governments have increased their efforts globally to fight against corruption, as is summarised in chapter 7. Now that laws have been strengthened and companies start to revise their business procedures as well as the fact that some drastic cases of corruption – in particular in large building projects – have been disclosed and highlighted by the media, the pressure on enterprises has thus increased to focus more on in-plant measures of the fight against corruption.

Civil society is also increasingly challenged to make a contribution. Yet, most anti-corruption activities are undertaken by governments and multilateral institutions and much less by the private sector or non-governmental organizations (NGOs). Therefore, the so-called civil society and thus the NGOs are expected to get involved in anti-corruption activities. These expectations are far from being met. At the 9th International Anti-Corruption-Conference with 1600 participants in Durban/South Africa in October 1999, at which the author of this paper participated, every report that was presented by governments or multilateral institutions placed their expectations on the civil society. Some NGOs from the South actually participated in the Conference, however, there was no single aid organization from the North!

Hence, the present publication is interested in the question of how aid agencies and churches could contribute to the defeat of corruption. Aid agencies and churches are part of the problem and part of its solution. In the minor "corruption of acceleration" –for example when releasing relief material from ports – churches, aid agencies and mission societies are as much involved in corruptive cases as church leaders that are not controlled enough by democratic forces. But in long-term development projects corrupt activities are less frequent than for example in cases of disaster relief and emergency aid, as the latter are dependent from providing means of transport and protection. In contrast to private development cooperation and disaster relief, the large state institutions and players are the ones that are threatened by corruption. This has been shown by recent cases of ECHO, the relief organization of the European Union, or by the German Society for Technical Cooperation (GTZ), when more than 380 perpetrators of corruption were sentenced to partially high terms of imprisonment for dishonestly procuring relief resources (Pieth/Eigen, 1999, 133f).

The Eighth Assembly of the World Council of Churches in December 1998 in Harare issued clear statements showing that the churches increasingly recognize their respective responsibility and start realizing that something must be done, as shown in chapter 8 and 9. I thus propose a specific "program to fight corruption" by the churches.

This number of the "Impulse"-series is meant to serve as a working instrument to the aid agencies and missions as well as to the churches that are supporting them, in particular to contribute in their fight against corruption. In addition, it is thought to serve project coordinators, partner organizations and in negotiations with enterprises or official authorities.

The fight against corruption is more than just a trendy issue. We actually talk about the moral, economic and political credibility of individuals, institutions and societies and about increasing the efficiency of development efforts.

2. Definition, Forms and Extent of Corruption

2.1 What is Corruption?

There are several *definitions* of corruption. One very common definition (in particular used by Transparency International) says: *Corruption is the abuse of public power for personal interests*. This definition includes most of all the active or passive bribery between a civil servant and a private person. Yet, corruption also includes activities between private persons, as is shown by the definition of the Swiss Agency for Development and Cooperation: "The behaviour of people with public or private tasks is corrupt when they violate their duties to obtain any kind of unjustified advantages." (SDC, 1998, 3) The definition of the economic ethic-philosopher Peter Ulrich shows how ethically explosive the issue is: Corruption is "the undermining of the common wellbeing through particular interests of individuals." (Maak/Ulrich, 1999, 103) Thus it becomes clear that these definitions also include an ethical valuation (see more details in chapter 5).

Corruption and bribery have the following *characteristics*:

- a means to obtain something
- the hidden and intransparent nature of the activity
- the illegal search for personal advantages
- the illegal acquisition of something which one does not deserve
- the economically inefficient use of funds
- very often proximity to blackmail, abuse of public power, nepotism
- the breach of confidence
- the damage of moral integrity and of general ethos
- a breach of law with a disintegration of the sense of justice

Thus, corruption and bribery are clearly *delimited*, for example from gifts, elements of salaries and from tips. The justification of corruption as an element of a specific "culture of gifts" is thus not tolerable. Gifts are not given secretly, not linked to a clearly defined or blackmailed quid pro quo-deal or are not as high as corruption payments of today (often we talk about

millions, eg. in the case of state infrastructure projects). Corruptive payments as parts of the salary of civil servants as eg. police and customs officers or teachers in developing countries very often simply reflect the extremely bad financial situation of such civil servants. There is a marked connection between the high level of corruption of one particular country and its low wage and salary level (see Rijkehem/ Weder, 1997). Nevertheless, due to above-mentioned characteristics, it is necessary to clearly separate bribes from elements of pay as well as from tips.

There are different *forms and motives* of corruption:

The *corruption of poverty* – normally "*petty corruption*" – has its roots in poverty (eg. when government officials do not receive a salary at all or not enough to sustain a sufficient livelihood).

The *corruption of power* – normally "*grand corruption*" – rooted in the greed to more power, influence and wealth or in the safeguarding of the existing power and economic position.

The *corruption of procurement* and the *corruption of acceleration* serve the purpose to obtain goods and services that otherwise would not be available or delivered on time, or only with much greater administrative expenses.

2.2 The International Extent of Corruption

Corruption is one of the biggest obstacles for economic and humane development. It is still a growing cancer world-wide! It hits both the North and South, the East and West. Every day, the media report about cases of corruption: The International Olympic Committee, the Commission of the European Union, that had to collectively resign on March 15, 1999, among others because of alleged corruption (!), etc. One third of a World Bank credit granted to Indonesia was lost in corrupt channels; in Cameroon the cases of corruption can not even be enumerated anymore; in Germany the construction trade is notorious for corrupt practises (Pieth/Eigen, 1999, p. 131-147); in Switzerland a national research project has been undertaken; in Central and Eastern European countries corruption takes place openly, etc.

The *extent of corruption* has enormously increased in the last years. Whereas until the middle of the eighties bribes in international business often accounted for 5-10 per cent of the overall order volume, it seems that nowadays this relationship has grown to 20 per cent and more. Hence, considering the hard international competition, many companies have reached their internal limit, this is the reason why they are more ready today to cooperate in the fight against corruption. According estimations, the amount of bribes comes close to the total amount of indebtedness of the Third World! A case study published in October 1999 by Anniano Desierto, the ombudsman of the Philippine government, shows that the country lost 48 billion dollar through bribes during the last 20 years, more than the total amount of the external debts of the Philippines (41 billion dollar).

2.3 The Corruption Perception Index CPI

Since 1995, Transparency International publishes every year a list of countries on how corruption is perceived in one particular country by the business circles, by the population and the international community. This so-called „*Corruption Perception Index CPI*“ (the one for 1999 follows on page 7) has since its inception been constantly reviewed as to its methods. The index is based upon at least three surveys per country. As these figures are not available in all of the countries, the list is far from recording every single country of the earth. Therefore, the fact that a country is not mentioned in the CPI does not say anything on the extent of corruption. The CPI simply shows trends. And when the index is published it usually releases strong political reactions and even measures in the countries that figure at the end of the index – hence, the CPI is a very effective instrument. Those countries that appear on the negative side of the CPI are mostly development countries.

Now, this one-sided picture has lately been corrected by a second corruption index of Transparency International. It was published for the first time on October 26, 1999: The *Bribe Payers Perception Index BPI* not only registers the bribe receivers, but also the „senders“. Thus, the focus is particularly on the industrial countries as these are the countries in which multinational corporations have their head offices (more information on the methodology and the sources of both lists are found on the homepage of Transparency International: ti@transparency.de).

The new survey is based upon a detailed interview of approximately 770 top executives of big corporations, auditing companies, bi-national chamber of commerce, important commercial banks and of attorneys specializing in the field of economic matters in 14 leading countries of emerging markets. The survey included the interviews of foreign nationals as well as senior executives of multinational corporations. The questions related to the readiness of enterprises to bribe high-ranking office-holders.

2.4 Corruption in Aid Agencies, Missionary Societies and Churches?

Aid agencies, missionary societies and churches are part of the problem and part of the solution. In the case of small-scale "corruptions of acceleration" for example in redeeming relief material from ports, or in the case of the minor "corruption of procurement" in order to obtain permissions, churches and their relief projects and aid agencies are in general as much concerned as all the other sectors of the society. Apart from that, there are cases of corruption of church leaders that are not subject to democratic control mechanisms or have accumulated excessive powers or are entangled in nepotism. However, according to my experiences and judgement, major cases of corruption are rather an exception. Where they are exposed they increasingly lead to respective sanctions and legal measures. Though the auditing of the accounts is usually carried out by auditing companies – and the auditing procedures are affordable enough to be paid by private development cooperation –, yet, audits are partially not performed seriously enough and can thus not serve as an instrument to detect corruption. Here it seems as if aid agencies and their partners should have the courage to spend more for a credible, independent and serious audit.

The co-responsibility that donor organizations of the North share does not usually consist in being directly involved in bribes, but that they continue to support organizations of which they well know that corrupt practices may occur. Therefore, local partner organizations in Cameroon clearly expressed their expectations to the partner organizations of the North at the Anti-Corruption Seminar in March of 1999 (see chapter 8); in particular they called up to adopt more rigorous policies and to suspend or stop the financial support of corrupt partners in the South, because continuing the cooperation would be considered a legitimization of corruption and donor organizations would be considered part of the problem of corruption.

In disaster and emergency relief the situation is much more complex. Here, it is necessary to obtain flight and transport permits as fast as possible, to procure relief material and to guarantee safety measures without delay; the rescue teams therefore face a greater risk of being subjected to corruption and blackmail. In particular, big state or multilateral actions and institutions are highly threatened by corruption, as has been shown by recent cases of ECHO, the emergency relief organization of the European Union, or of the German GTZ, the state-owned organization for technical cooperation: More than 380 perpetrators of corruption have been sentenced to years of prison for dishonest procurement of relief material (Pieth/Eigen, 1999, 133f).

The biggest part of development projects that are supported by the protestant aid agencies and missionary societies are certainly free of corruption (apart from small-scale corruption – for example to obtain specific permits – that many projects cannot or do not want to avoid). The minority of projects that allows corrupt practices severely hampers the image of development cooperation altogether. The promising approaches that are described in this paper should

therefore serve the players of development cooperation and missionary work in their fight against corruption.

3. Corruption as Obstacle to Development

3.1 Negative Effects on Development

The following examples are *effects* of corruption (in particular of the heavy but also of the small-scale corruption):

- *Misdirection of development (wrong allocation of resources)* in vital sectors of the society (eg. telecommunication, health, energy, traffic/transport systems, armed defense), by not investing in areas of urgent economic, social and political need, but by investing for example in public servants who may expect the highest bribes.
- *Increased indebtedment* if investments in development projects do not yield the required economic benefit and thus aggravate the interest payments or the repayment of the debts.
- *Shortage of taxes and other national revenues* for public tasks, as tax officials are corrupt; hence, paying habits are rather weak.
- *Tax evasion*, as no taxes are paid on corrupt money
- *Deterioration in quality* (eg. by falling short of standards) and thus by
- *increased risks to safety, health and environment* (eg. construction of bridges with cheaper material to compensate the additional expenses due to corruption; negligence when dealing with environmental restrictions evading sustainability provisions, for example in forestry).
- *Distortions* of competition and of the market.
- *Economic inefficiency*, by destroying investment values, for example, and by increasing the price of products without improving on their performance.
- *Repulsive effect on potential investors* and paralyzing the spirit of development of a particular country.
- *Widening the gap of affluence* (strengthening of small elites, difficult development of the middle class).
- *Increasing intransparency*, attempting blackmailing and mafioso dealings.
- *Loss of confidence* in state and economy.
- *Weakening of moral integrity and credibility* of persons and institutions.

- *Loss of democracy*; as transparent decision-making processes are a precondition to democracy. Corruption misrepresents election results.
- *The dimension of gender*: Those that are already in power are favoured (usually men), for example when it comes to access to land, property, offices and power positions.
- *Weakening of the rule of law functions* and constitutional control mechanisms until governments are almost unable to function.
- *Support of dictatorships* (that may finance their private security forces by bribes and thus become more independent in view of Parliamentary controls) *and of armed movements of rebels*.
- Undermining the acceptance of public and private *development cooperation*.

The list shows that it is actually surprising to see that development organizations do not undertake as many efforts to fight corruption as they do for example for releasing the debt burden of development countries! Looking at the mere quantities it becomes clear that corruption is as serious a problem to development as *indebtedness*! In addition, there are reasons to see a connection between the degree of indebtedness of a country and the extent of corruption (while corruption is of course only one factor among many accounting for the degree of indebtedness!), equally between the degree of the indebtedness and the amount of flight capital in foreign countries (for example Nigeria has 28 billion dollar external debts and 50 billion dollar private assets on foreign accounts!). Thus, IMF and World Bank credits often aggravate the indebtedness, if they are not tight to transparency criteria. „As long as the whole industry of development cooperation (led by IMF, World Bank and the African Bank of Development) is not subjected to the same rules of transparency and accountability that they are requiring from their debtors the vicious circle of aid and indebtedness will certainly continue“, was recently said by a researcher in Tanzania (Cooksey, 1999).

The effects of corruption are as dramatic for the *national revenues* of development countries. Here, we talk not only about far-reaching corruption but also about small-scale corruption on local and regional level. In this connection, a Norwegian sociologist told me about his latest investigation (1999) on the tax system in three regions of Tanzania. He discovered that in certain areas 95 per cent of the taxes end up not in the tax department of the state but in the pockets of tax collectors leading to daily demonstrations against them and to the refusal to pay taxes at all. Tax evasion is also an effect of corruption, because bribes are never taxed. In Argentina, tax evasion apparently makes up for 40-50 per cent of outstanding taxes! In Cambodia, the state lost due to corruption 100 million dollar from the sale of tropical forest products in one year only (1996). This accounted for one third of the overall national revenue of that particular year!

Many concepts of development assume that democratization and liberalization of the markets would automatically reduce corruption and thus represent the best recipes of how to fight corruption. Yet, what seems to be obvious in theory, is unfortunately often not the case in practice. In many countries corruption even aggravated after introducing democratization and liberalization measures. But it would be wrong to conclude that democracy and market economy were particularly sensitive to corruption, which historically cannot be substantiated, let alone the contrary. Dieter Frisch, the former general director of the development cooperation of the EU and founding member of Transparency International, formulates a possible explanation: "The explanation for the seeming contradiction between theory and practice may consist in the fact that the societies concerned are undergoing a process of transition, that one system has come to an end, and a new system has not yet been really established" (Frisch, 1999, 97). Transition phases and transformation processes are often connected with weaknesses and insecurities of the legal system that is favouring corruption.

Corruption is a manifold threat of democracy ranging from outstanding tax revenues and tax evasion to the bribery of state officials as well as to the misrepresentation of election results. An increasing reason for corrupt procedures are rising election campaign costs that those that are elected settle by accepting bribes once they have taken office.

3.2 Who Benefits from Corruption? Who Suffers from its Effects?

Corruption knows winners and losers. Usually it is the poor that are the losers, even if they need petty, small-scale corruption to be able to survive; and the community is also losing out on corruption: The poor mostly suffer from the extremely high economic costs of corruption, from the show of force of small elites that sustain themselves with the corrupt funds they receive, they suffer from safety and health hazards of ecological or construction risks, from corrupt judges that are manipulating the laws, from outstanding state tax revenues that cannot be used for badly needed state education and health services, etc. In addition, corruption also has a gender dimension (TI Zimbabwe focuses on this aspect. See also Frey Nakonz, 1999): It is assumed that women are more affected by the effects of corruption than men, because corruption also serves to keep the existing power structures in place (access to land, property and offices). One may assume that men are more involved in corrupt practices than women. Therefore, women are very important in the fight against corruption.

The winners of corruption are as a rule individuals and not the society: Namely those that are already rich, power brokers, officials on all levels who extend their power with corruption but at the same time live in a system of mutual dependence and fear connected with the lack of transparency that comes hand in hand with corrupt practices. Who actually benefits from corruption and who suffers from its effects needs further studies.

4. The Perspective of the Bible as to Corruption

Corruption is almost as old as humanity, at least known since jurisdiction has existed. When looking for ethical criteria to judge corruption biblical insights may be illuminating. Two recent comprehensive theological-ethical studies are dealing with this research (Rennstich, 1990, 137-197; Kleiner, 1992, 83-183).

The oldest reference to corruption in the *Old Testament* seems to be found in the book of Exodus, only three chapters after the Ten Commandments (Kleiner, 1992, 101ff): "Do not accept a bribe, for a bribe makes people blind to what is right and ruins the cause of those who are innocent." (2. Ex. 23,8) This prohibition of corruption dates back to the times before the kings and is not accidentally addressed to judges not to accept bribes. An unbiased jurisdiction is vital for every legal system. Also, in the environment of the Old Testament, in Egypt and Mesopotamia, the phenomenon of corruption was known, but here in the book of Exodus a law against corruption has already been drawn up! It is also important to see what the ethical

justification is to prohibit corruption: It is truth and justice, in particular the legal protection of the poor, as is shown in other verses.

From the time of the kings the sons of King Samuel are mentioned, that they accepted bribes for their own benefit (1Sam 8,3). In the Book of Kings it becomes clear that corruption was also used in external affairs and in military matters: Allies of the adversary were offered bribes to use military actions against him (1 Kgs 15,19; 2 Kgs 16,8).

The theological justification of refusing corruption becomes clear in particular with the prophets. God Jahwe is incorruptible, as he is the right and justice himself. This is why he is not trying to bribe King Kyros when he repatriates his people from exile to their land (as some individuals among the people may have proposed)?. Corruption destroys communities. Whoever uses the evil of bribery is called pagan and is thus called as being excluded from the community with God (Prov 17,23). Devout is who does not take bribes (Ps 26,10).

Cases of bribery are also mentioned in the *New Testament*. And again, bribery is always condemned. In connection with the events around Passion and Easter, it is reported that Judas was bribed by high priests (Mk 14,10f par). High priests and elders had apparently paid bribes to the soldiers so that they spread the lie, the body of Christ was not resurrected but stolen (whether these passages are historical is controversial). The Acts of the Apostles report on how judges are bribed, the governor Felix wanted some money from Paulus, to sentence him less severely (Acts 24,26f). It is also documented that customs – controlled by the Romans – was corrupt at the time of Jesus; this fact is also shown by the story of chief tax collector Zacchaeus and his illegally acquired goods and how he later gives half of his belongings to the poor (Lk 19,1-10). The corruptibility of the spirit is probably the most dangerous form of corruption: Simon offers money to the apostles Peter and John, thus trying to buy the power so that anyone he places his hands on would receive the Holy Spirit (Acts 8,8-24). To draw a moral from this story, then it shows that what is an inalienable power of God cannot be acquired with underhand dealings.

The relevance of these biblical insights – mostly conveyed in narrative stories – for the ethics of fighting corruption lies in the fact that the stories reflect "images of successful life and of a society that knows no corruption" (Bondolfi, 1996, 7). Basic values are thus mirrored that are then taken up by the ethic of transparency and turned into concepts. This is what the following chapter tries to do.

5. Ten Ethical Criteria to Judge Corruption

There is more or less a general agreement beyond cultural boundaries that corruption is ethically reprehensible (otherwise corrupt practices would not happen in secret and secluded). The fact that corruption actually belongs to the culture of many countries in the South and is supposedly part of their "culture of gifts", is a fatalistic justification of corruption which cannot stand an analysis according historic and defining criteria: Corruption has for example enormously grown in African societies with their colonial and post-colonial power structures and with today's international trade as compared with pre-colonial times. Moreover, in formulating definitions we have clearly distinguished between bribery and gifts.

The following *ethical criteria* could serve to judge corruption:

- *Justice*: Justice means to diminish the gap between poor and rich. Whatever benefits most the weakest of our societies is just (J. Rawls). "Heavy" corruption favours the lead of the power brokers and widens the gap between poor and rich.
- *Equality, equal rights for all*, also for the poor: Bribes often pervert the rights of the weaker who do not have the means to bribe or cannot get justice in front of corrupt courts. The Old Testament puts it already in words: "Do not accept a bribe, for a bribe makes people blind to what is right and ruins the cause of those who are innocent." (Ex 23,8)
- *Truth*: One of the motivators that lead to corruption is time and again the fear of truth – which very often leads to perverting the laws of the constitutional state and to violent actions. This form of corruption is equally found in the bible, as seen above.
- *Freedom*: Corruption creates an obscure tangle of interdependences and blackmailing opportunities and thus compromises political freedom in the sense of perceiving civil rights and duties and forestalls the respect of human rights.
- *Productivity and Work*: "Corruption replaces economic performances and achievements by theft " (as stated by the Peruvian Bishop's Conference in 1989). It distorts the market because it does not reward achievements, but existing power structures.

- *Rationality/Efficiency:* Corruption increases the "efficiency" for individuals at the expense of the overall system – which is inefficient in economic terms.
- *Participation:* Corruption is based upon intransparency contradicting democratic control and participation of the public. To be able to participate in decision making processes presupposes transparent information.
- *Human Rights:* Corruption prevents the individual of getting his or her lawfully entitled rights, as they have to be bought separately. The propertied get one's dues more than the unpropertied. The General Assembly of the WCC in 1998 defined the protection of the individual from corruption as elementary human rights.
- *Self-interest against Common Good:* Corruption as abuse of public or private power for private use (as to definition in chapter 2) puts the self-interests in front of the common good. Corruption is "the undermining of the common wellbeing through particular interests of individuals", as is rightly stated by economic ethic-philosophers Peter Ulrich and Thomas Maak from St.Gall (Maak/Ulrich, 1999, 103).
- *Responsible use of power:* A reason for corruption is often the short-term economic survival (the necessity to obtain orders), but in the case of those that bribe the reason is often greed and hunger for power; this makes it impossible to carry out power in a responsible way.

These criteria are related in particular to large-scale corruption. The petty, small-scale everyday corruption is more likely to be justified from the moral point of view: Why is it objectionable when a small official raises his pittance of salary to sustain his family? Or when a customs officer is paid bribes of acceleration in order to have him finally deliver the medical supplies for the poor rural hospital and thus to save lives? This "small-scale" corruption of poverty is understandable, but nevertheless ethically to be rejected, because in the same way as large-scale corruption it undermines and destroys trust, sense of community and democracy (even if it has much less serious effects in the individual case). It does not mean that large-scale corruption is not practiced in the sense of a survival strategy and has to be understood as an effect of the entanglement into structures of injustice which is simply a question of personal survival, as there is often almost no escape. Yet, it does not mean that it can thus be legitimized ethically, on the contrary, it means that it is not admissible to individualise the "guilt". Much rather has this entanglement into structures of injustice in all spheres of life to be understood as part of the ethic dilemma that we face as human beings and which brings about the fact that we cannot live without guilt. This is the essence of Christian forgiveness. This remission of guilt liberates us to be able to call injustice after what it really is – even if it is not always

possible to escape from it – instead of legitimizing it ethically. Forgiveness liberates from the moral obligation to be innocent.

6. Political, Legal and Economic Instruments of the Fight against Corruption

The continuing increase of corruption and its ever-lasting acceptance as a fact (although it has been publicly criticized) undermines the fundamentals for a global ethics of economy necessary for the modern, interdependent global economy, should it be sustainable. The *consciousness* must be strengthened that corruption is unethical due to its above-mentioned damaging effects on development, politics, economy, culture and religion.

Corruption however will not be reduced primarily through the individuals that call up to renounce from corrupt practices out of ethical reasons, but by implementing joint *structural* measures enabling the (economic) players to maintain their competitiveness even if they forego paying out bribes (social ethics as ethically responsible way of shaping structures). A multitude of instruments are required that can be employed at the same time. *What could entrepreneurs and companies, governments, administrations, trade associations, churches and aid agencies together or separately contribute to the combat against corruption?*

In the following, a few basic approaches are enumerated to possible solutions that are being discussed or implemented:

Stricter enforcement of criminal law (Pieth/Eigen, 1999, 339-372), of tax laws (Pieth/Eigen, 1999, 373-390), auditing practices (Pieth/Eigen, 1999, 391-448) and of awarding of contracts (Pieth/Eigen, 1999, 492-518) are vital instruments. Included are also universally valid "islands of integrity" related to specific lines of industry (and promoted by Transparency International), legal reforms like in Switzerland in relation to money laundering of bribes and tax deductibility of bribes; reforms of administration in countries of the South or East; public sensitization campaigns; support of the OECD-guidelines to combat corruption and no state guarantee for export risks, if the payment of bribes can be proved. Voluntary codes of conduct (see chapter 8 and Pieth/Eigen, 1999, 258-266) are an important supporting instrument that can be immediately implemented by the respective institutions without having to wait for the government to change the laws.

A few instruments of the fight against corruption are mentioned in the following:

6.1 Government Instruments

6.1.1 Laws

Important legal ways of fighting corruption are given by criminal law and tax law, but also for example by laws and regulations as to state guarantees for export risks, bookkeeping, banking, money laundering and as to international legal aid, etc.

6.1.2 Anti-corruption clauses in development contracts

The Development Assistance Committee DAC of the OECD asked the member states in a recommendation (in May 1996) to include anti-corruption clauses in their development contracts. Switzerland has implemented this recommendation since 1998 in the Swiss Agency for Development and Cooperation (SDC) and in the State Secretariate for Economy (SECO). All private aid agencies (including Bread for All and Swiss Interchurch Aid – HEKS) that receive government funds for development, have adopted this clause in their SDC-contracts since 1999.

6.1.3 Islands of Integrity

Transparency International has developed the instrument of so-called integrity pacts or islands of integrity. Such pacts guarantee equal rights for the different players of an economic tender for a contract. When calling for tenders for infrastructure programs for example, a government establishes that only those companies can apply for job contracts that have signed the island of integrity at chief executive level. This is the case for an airport, power plant, a dam or a telecommunication net, all prohibiting the payment or receipt of any kind of bribes. As in all anti-corruption measures, checking of such pacts is of course of essential importance.

6.2 Non-Governmental Instruments

6.2.1 Codes of conduct and standards

More and more enterprises sign in-house codes of conduct – relating to the line of industry or of general nature – that also include anti-corruption clauses. These codes of conduct are voluntary codes and are thus viable instruments to start fighting

corruption. When containing sanctioning mechanisms, they may internally serve as very useful tools. Whenever self-control takes place without the external verification of the code, it is a relatively weak instrument. Codes of conduct are supplementing, but not substituting necessary state and legal measures. Codes of conduct against corruption increasingly exist also for public officials, for specific professionals, etc. (please order a compilation of 36 of such codes with Transparency International. See also bibliography).

Non-governmental organizations should and could apply more codes of conduct. The one developed in Cameroon is a very good model. At the moment, an international integrity-standard for NGO's and the private economy is being worked out (among others by Transparency International). As much as social and ecological standards (for example SA 8000 or ISO 14000), this new standard could play a vital role in the future.

6.2.2. Historic-cultural-ethical research

Research on the deeper reasons for corrupt behaviour is important. Apart from obvious superficial economic aspects, the patterns of colonial and missionary history as well as ethnic and religious patterns play an important role. In this connection, a Nigerian professor of sociology pointed out that there is a link between corruption and offerings for ancestors in her country. Monies paid to political leaders or even to Christian priests or pastors were considered as a means of indulgence to ancestors. All in all, a possible connection between corruption and "indulgence mechanisms" seems worth of an investigation.

6.2.3 Moral education

The religious and ethical education of families, churches, schools and media is an important instrument in the long-term fight against corruption. As long as bribery is seen as part of everyday life and is accepted as a fact of economic activities, corruption will not be overcome. And in Cameroon I have even found a chapter against corruption in a secondary level-textbook of ethical education!

6.2.4 Media

The work of investigating journalists in disclosing cases of corruption is essential. But as the example of many countries shows this is only possible when the respective journalists and media are protected in their personal security and when freedom of press is guaranteed. Today, due to the present international wave of governments that are all showing an interest in fighting corruption – at least verbally –, journalists face better working conditions than just a few years earlier.

7. The Parties Involved in Fighting Corruption

The most important players of today's fight against corruption are the following organizations:

7.1 Multilateral Organizations and Switzerland

7.1.1 OECD

The OECD-Convention on combating bribery in international transactions was signed in December 1997 and came into force in February 1999. It has a rather limited but economically and politically highly relevant goal, as the convention's approach is very practical and oriented to the enforcement of its contents. Economic interests or bilateral individual interests are clearly submitted to the legal and political goals of fighting corruption. This is not a matter of course, if one considers that governments for example in arms trade would probably also resort to corrupt means due to economic reasons.

7.1.2 European Union

The EU has recently developed an entire program against corruption for its member-states. Starting from the Convention on the protection of its economic interests of 1995 it has developed into a protocol to this Convention focused on bribery of community officials and of member states threatening the communities' economic interests. The EU at the same time has serious corruption problems within its own structures which led to the resignation of the whole EU-Commission on the 15th of March 1998. Also, emergency and humanitarian aid of the EU have been affected.

7.1.3 Council of Europe

The Council of Europe has prepared a draft for legal procedures in cases of corruption. It has not yet been adopted, but work is well advanced. Different from the OECD-initiatives it assumes a broad understanding of corruption, including active and passive domestic bribery of officials, the bribery of private persons in a commercial context as well as „trafficking in influence“.

7.1.4 Organization of American States

The Inter-American Convention against corruption of 1996 also applies a broad concept of bribery, it goes beyond traditional approaches by including illicit enrichment.

7.1.5 United Nations

The UN has resumed work on corruption with two General Assembly Resolutions in 1996 and recently increased its efforts.

7.1.6 World Bank

For approximately two years the World Bank has intensively worked against corruption, together with its new president James Wolfensohn. Since then it has published numerous interesting documents and investigations (see bibliography). It has – finally – started to establish its own control mechanisms. Not least because the World Bank has been accused of being involved in cases of corruption time and again. A recent study showed that one third of a World Bank grant to the government of Indonesia was abused as bribes and disappeared in corrupt channels. On the occasion of talks with different World Bank officials responsible for the fight against corruption in New York in July 1999 and at the 9th International Anti-Corruption Conference in Durban/South Africa in October 1999 I have been convinced by the seriousness of efforts undertaken by the World Bank.

7.1.7 International Monetary Fund

The IMF also recently started a process to fight corruption. Like the World Bank, also because it has become obvious that the IMF itself used tremendous funds to bribe, as is shown by the newest example of IMF-credits to Russia.

7.1.8. World Trade Organization WTO

Up to now, the WTO has considered corruption as a non-trade-related issue and therefore viewed the WTO as not being in charge of it, although Transparency International tried to convince the WTO to take action on this issue. However, in connection of the efforts of maybe including a so-called „Procurement Convention“ into the WTO-rules, it has lately seemed possible to touch upon the issue in WTO-circles.

7.1.9 Switzerland

The Swiss legislation as to money laundering was considerably strengthened in 1998. This also helps the fight against corruption. As the first chamber, the National Council (the lower House of Parliament) ratified the OECD-Convention against Corruption on October 9, 1999 and at the same time passed a law to abolish the deductibility of bribes. Thus, important steps on the level of Swiss legislation have been concluded, even if they took place relatively late. In addition, Switzerland and in particular the Swiss Agency for Development und Cooperation SDC actively supports several efforts of fighting corruption, among others those of Transparency International. On the legislative level, we would require an anti-corruption clause in the law of the state guarantee for export risks and probably a revision of the bank secrecy law under the perspective of anti-corruption measures – for example related to tax evasion.

7.2 Non Governmental Organizations, Private Sector, Churches and other Religious Communities

7.2.1 Non-Governmental Organizations (NGO's)

At the moment, most anti-corruption activities are undertaken by governments and multilateral institutions and much less by private companies or non-governmental organizations (NGOs). The expectations are rather high that the so-called civil society and thus the NGOs contribute to the fight against corruption; and right now these expectations are far from being met.

Among all NGO's, Transparency International (TI) ranks top on the list of specialized organizations in the fight against corruption. TI was founded in 1993 by the former World Bank director Peter Eigen and the former general secretary of the department of development of the European Union Dieter Frisch. Today, this NGO is already represented with national chapters or contact organizations in over 70 countries, the majority of which are development or transition countries. And since 1999, the majority of the international board comes from development countries, as well! The Swiss section of TI, Transparency Switzerland, was founded upon the initiative of the general secretary of „Bread for All“ in 1995.

7.2.2 Private Sector

Private economy is a major part of the problem of corruption, in particular in international business. However, it is also part of the solution. In the centre of the discussions are in-house codes of conduct, but also the increased readiness of private economy to contribute to the strengthening of legal measures in criminal law and tax legislation. In the future I see a particular role to be played by the five large global auditors like PriceWaterhouseCoopers or KPMG, that exert a great influence on companies and governments and their rendering of accounts; thus they could have a major influence on the implementation of anti-corruption measures. This is also true for customs inspection companies like SGS, that have already

realized the potential of that market. However, due to their power concentration they need to be subjected to democratic control, as past cases of corruption show in which SGS itself was involved.

7.2.3 Churches

The churches and their representatives are part of the problem of corruption and thus part of the solution. Individual church leaders and councils start working against corruption in a growing number of countries. The 8th Assembly of the World Council of Churches in Harare/Zimbabwe in December 1998 made some clear statements on the issue, among others in the final statement on debts. The international community of over 350 churches from all countries called on its member churches to „advocate ethical governments in all countries and to urge governments to take legislative action against all forms of corruption and misuse of loans.“ The general assembly expressed in the statement on human rights that “corrupt practices are a major evil in our societies. We uphold the right of every person to be protected under the law against corrupt practices. This is an elementary human right.“

7.2.4 Other Religious Denominations

Statements of other religious denominations or communities are available but analysed only to a limited extent. For example, Nigerian Moslem communities have expressed their views on corruption. Certainly the Holy Scriptures of all religious communities speak against corruption. Here we find a potential of joint action that has not yet been fully utilized.

8. A Code of Conduct for Development Agencies and Churches – and State Clauses

8.1 Code of Conduct 1999 from Cameroon

Governments, business and multilateral institutions are intensifying their efforts to fight corruption at the international level. NGOs and churches are also becoming increasingly active in anti-corruption campaigns, such as the one launched in Cameroon. Bread for All helped to devise a model code of conduct for NGOs in Cameroon: "Code against Corruption and for Transparency for NGOs and Church Projects.". This is a world première for aid agencies and churches! *Find the full text of the Code against Corruption in the appendix – printed here for the first time outside of Cameroon!*

In 1998, Cameroon was the last country on the international list of the Corruption Perception Index (also refer to chapter 2.3). It is thus being considered as one of the presently most corrupt countries, at the same time Cameroon is one of “Bread for All”’s target countries for development cooperation. Included are the long-time experiences of the “Basel Mission” and the “Département missionnaire”.

Alarmed by this information, NGOs and church representatives in Cameroon – among others also partners of the Basel Mission and of the Département missionnaire in Lausanne – expressed their willingness to become more active in the fight against corruption. Consequently, the Center for Environment and Development in Yaoundé, Cameroon’s capital city, conducted a study in collaboration with Bread for All, financed by the Swiss Agency for Development and Cooperation and Transparency International, to determine how NGOs in Cameroon are affected by the problem of corruption and what they could do about it. The study was conducted by four specialists from Cameroon at 15 selected organizations from various sectors in 1998.

During a second phase of the study, a seminar was held in the city of Mbalmayo in March 1999, in which 40 representatives from development organisations, farmers’ cooperatives, churches and environmental organizations participated. It was rather symbolic when during the seminar the volcano of Mount Cameroun erupted for the first time since 17 years; and almost as eruptive the willingness of the NGO and church representatives was expressed to finally take joint action against corrupt practices. They discussed, complemented and modified the analysis. During this phase they worked out during long nights (also for the author of this paper) a *code of conduct to combat corruption and promote transparency in NGOs and churches* was formulated (see text in the appendix). This code, the first of its kind to apply to development organisations and churches, focuses in particular on the publication of financial statements, democratic decision-making structures, the separation of powers, and on the protection for persons engaged in the fight against corruption.

The code against corruption and for transparency contains *eight principles*:

- respect for human dignity;
- respect for moral integrity;
- promotion of justice;
- fostering of transparency;
- rejection of all forms of corruption;
- respect for the law;
- the right to disclose and combat corruption;
- the priority of the public interest over private interests.

The second part of the code contains *nine steps for implementing the code*, which all organisations that sign the code pledge to support, just as they pledge to support its principles. These steps are specifically concerned with organizational structure (e.g. separation of powers, employment practices, limits on terms of office, etc.), internal training, sanctions against corruption, legal measures, and better exchanges of information among organizations with respect to combating corruption. The code's signatories intend to meet within a year to assess progress. The general secretary of Bread for All was the only representative from the North to attend the seminar. Representatives of Cameroon have also called upon development agencies in the North to intensify their efforts to combat corruption. In response, Bread for All invited religious development organisations and religious missions to a one-day seminar last autumn during which project leaders discussed the issue of corruption. The question is whether it was not useful to have development and missionary agencies – i.e. “donor organizations” – sign the code as well!

The main challenge now is to encourage as many organizations as possible in Cameroon to sign and implement the code of conduct. This is not an easy task; in some cases, the presidents and directors of individual organizations are themselves part of the problem. However, willingness to confront this development-inhibiting problem is growing considerably, thanks to the rapid increase in discussions about combating corruption at the global level as well as concrete requirements at the governmental level (see chapter 6.1). FEMEC, the Association of Evangelical Churches in Cameroon, organized a follow-up seminar on corruption for church leaders in June 1999 and decided to publish a collection of theological papers responding to the issue of corruption.

Voluntary codes of conduct against corruption for individual companies, lines of industry or specific sectors of the civil society like development organization or churches are "necessary,

but not sufficient ", as resulted from an analysis of the code of ethics of the International Federation of Engineering Associations with its head office in Lausanne (Hofmann, 1999, 258ff).

8.2 Governmental Anti-Corruption Clause of SDC

Apart from voluntary codes of conduct – as the one above-mentioned – there is also the possibility to include anti-corruption clauses into the contracts for development projects or church partnerships. The Swiss government applies this principle since 1998 in the case of development contract with governments and private organizations (via the Swiss Agency for Development and Cooperation SDC) and increasingly in the case of trade contracts (concluded by *seco*, the new State Secretariate for Economy).

The "*Anti-Corruption Clause for Contracts*" by the Swiss Agency for Development and Cooperation says: "The contractual parties shall neither offer a third person nor seek, accept or get promised directly or indirectly for themselves or for another party any gift or benefit which would or could be construed as an illegal or corrupt practice." (DEZA, Leitlinien Korruptionsbekämpfung, S. 24).

Since 1999, this clause is included in all program contracts of SDC, i.e. also in the one of Bread for All and HEKS (Interchurch Aid). In addition, Bread for All included the same code into the new contracts with the ten partner organizations of the contact group BFA (earlier SEMR-Gruppe 3) of June 1999. It has also been included word-for-word into article 1.5 of the code of conduct adopted in Cameroon in March 1999! The Basler Mission clearly included the following project criteria into the draft of their new mission statement of August 1999: „Projects and programs of the Basler Mission ... never resort to the means of corruption“.

9. An Ecumenical Program to Combat Corruption

The biggest part of development projects that are supported by the reformed aid agencies and missionary societies are certainly free of corruption (apart from small-scale corruption – for example to obtain specific permits – that many projects cannot or do not want to avoid). However, the minority of projects that allows corrupt practices severely hampers the image of development cooperation altogether. The promising approaches that are described in this paper should therefore serve the players of development cooperation and missionary work in their fight against corruption.

Churches, church-funded aid agencies, associations and missionary societies could and should act against corruption with common strategies and mutual support; in so doing, they could obtain international profile and credibility. Therefore, I propose an „Ecumenical Program to Combat Corruption“ (EPCC). This program could be promoted under the responsibility of WCC, the World Council of Churches, and possibly in cooperation with the Catholic International Commission *Justitia et Pax*.

Representatives of the World Council of Churches (WCC) have also shown interest in making the code of conduct of Cameroon applicable to other churches and other continents. At the last general assembly of the World Council of Churches in Harare, Zimbabwe, in December 1998, member churches gave the Council a clear mandate to combat corruption.

With these efforts, churches and aid agencies raise their credibility and are more justified to demand from multinational corporations, governments and multilateral institutions to cooperate in fighting corruption. In church and church-related project partnerships sometimes combating corruption is complicated by misconceptions of partnership that is turned into an ideology to cover up intransparencies by pleading the existing partnership. Transparency, frankness and mutual accountability are preconditions for a trustful partnership.

There are many opportunities for churches, church agencies and their development and partnership programs to combat corruption:

- Drawing up an analysis, in as much one's own organization faces corruption and how it deals with it.
- Working out biblical-theological instruments on corruption.

- Signing the code of conduct against corruption (see chapter 8).
- Participation in national legal revisions to fight corruptions.
- Public statements of churches against corruption in one's own country.
- Implementation or support of an anti-corruption campaign
(„zero-tolerance campaign“ like eg. the one of the government of Botswana).
- Cooperation with the national chapters of Transparency International.
- Dialogue between churches and companies as to the issue.

10. Checklist for Fighting Corruption for De-velopment Agencies, Missions and Churches

The following questions should serve as a checklist in the fight against corruption helping to find orientation for programme coordinators, management and other decision makers in aid agencies, missions, churches, development programmes and church partnerships (in the following called „organization“).

1. Is there an analysis, in as far as the organization is confronted with corruption and how it deals with it? If not, who could work out such an analysis?
2. Are biblical-theological instruments on fighting corruption being developed and disseminated for bible work, class-room education, sermons and (also interreligious) pastoral care?
3. Has the signing of the „Code against Corruption and for Transparency“ (see chapter 8) been discussed and planned with the organization and its partners and – in case the code has already been signed – is there a control mechanism in place to regularly check on its observance?
4. Is the auditing company that audits the finances of the organization credible and free of corruption? Is it necessary to invest more means into auditing in order to guarantee this?
5. Is there a participation of the organization in the revision of national laws to combat corruption, perhaps in connection with NGO-umbrella organizations?
6. Has the organization made or planned public statements against corruption on local, regional, national or international level?
7. Are there anti-corruption clauses included in the development and cooperation contracts of the organization and in its mission statements and project criteria?
8. Does the organization – according its possibilities – dialogue with enterprises (in particular with international corporations) about anti-corruption measures?
9. Participates the organization in investigations on the harmful effects of corruption, in particular those that obstruct development and destroy the environment?
10. Has the issue of gender in corruption become a subject matter?
11. Is there a cooperation with the national chapter of Transparency International (TI) to support and assist each other in the fight against corruption?

12. Does the organization promote „Island of Integrity“ in one’s own or in government projects (maybe in cooperation with TI)?
13. In case the organization advocates disendebtment measures (Jubilee 2000), has it pointed out the connection of disendebtment and combating corruption?
14. Does a „hotline“ inside or outside of the organization exist for anonymously reporting on cases of corruption, like the UN-hotlines for their various organizations?
15. Does the organization participate in an anti-corruption campaign or can it propose one?
16. Does the organization use its media-opportunities to fight against corruption, eg. to „give corruption a face“ and to protect critical journalists?

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Appendice

Code against Corruption and for Transparency

For NGO's and Church Projects in Cameroon

PREAMBLE

Corruption is a universal phenomenon that knows no boundary, no race and no religion. Corruption, which developed in Cameroon over the past two decades, has become the cancer of the Cameroonian society, and is eating into the fabric of every society stratum.

Conscious of the hope the population has placed in them, and of their roles and responsibilities in society, NGOs and the Churches of Cameroon intend to fight against corruption and to promote transparency. NGOs, Churches, and Church projects sincerely hope that other sectors of society (State and private sector) would join in their efforts and take concrete measures with regard to this fight.

The objective of this code is to contribute to set up a framework that is propitious for the fight against injustice and for the promotion of development.

This code of conduct is an agreement which organizations shall willingly adhere to and by so doing, accept to be bound by the voluntary control mechanisms set up within the framework of this code. The signatory organization (herein after referred to as "organization") shall undertake to respect the present code of conduct.

1 THE PRINCIPLES

The organization shall undertake to respect the following principles:

1.1 Respect of human dignity : The right of every man, every woman and every child, to be protected against corrupt practices, should be reaffirmed and respected.

1.2 Respect of moral integrity : Moral integrity, the basis of confidence, truth and openness, is a prerequisite for developing sound human relationships.

1.3 Promotion of justice: Justice encourages equity and equal chances for every-one, and helps in reducing the disparities between the different social strata. Corruption perpetuates and increases inequality and injustice.

1.4 Promotion of transparency: It is the duty of each social actor to inform the society on its aims, activities, results, its means either willingly or upon request. This principle shall be restricted only if there is a valid reason.

1.5 Rejecting corruption: Every corrupt act has to be condemned. The organization shall undertake to abstain from offering to third parties, gifts or others advantages and /or desist from soliciting, or accepting promises made to them or to other, directly or indirectly, considered to be illegal or corrupt acts.

1.6 Abide by laws: Abiding by the laws of the State and internal regulations of the NGOs and Churches shall be obligatory, in so-far-as they are compatible with the spirit of this code of conduct.

1.7 The right to report and resist corruption: Everyone has the right to resist involvement against his wish in corrupt practices, and the right to report any corrupt act he has witnessed or is a victim of. He has to be backed by NGOs and Churches that are signatories to this code if he is being threatened because of his resistance to corruption.

1.8 The precedence of public interest over self-interest: Common interest should prevail over self-interest.

2 IMPLEMENTATION

The signatory organization shall undertake to take the following measures for the implementation of the code:

2.1 Structure: The organization shall adapt its structures and procedural rules to the present code, especially in the following areas:

- Separation of different organs which have to be independent from each other (management, execution and control),
- transparency in financial management (for example: double signature, publication of accounts, adoption of procedural codes...),
- external independent auditing of accounts,

- recruiting members and personnel on the sole basis of professional competence,
- limiting terms of office to enable alternation within NGOs and organs of Church projects.

2.2 Information on the code: The organization shall undertake to diffuse and explain the code to all its organs, as well as its personnel, consultants and partners.

2.3 Sensitization, motivation and internal training: The organization shall undertake to sensitize, motivate and train its personnel and its organs at all levels, upon implementation of the code.

2.4 Transparent information: The organization shall undertake to publish its progress and financial reports as well as the balance sheet every year.

2.5 Internal sanctions: Any member(s) who violates the code, especially the principle of rejecting corruption, is liable to sanctions from the organization.. These violations and sanctions shall be published as much as possible

2.6 Regular evaluation: The organization shall be subject to regular follow-up and evaluation of its activities.

2.7 Accountability: With all transparency, each employee shall be obliged to give an account to the organ that is a signatory to the code, of violations of this code that can be proven and verified, and especially, the principle of rejecting corruption. If no action is taken, the employee may bring the information to the attention of an independent organ or the media. Any employee that accounts for such violations has to be entirely protected against any reprisals by the organ that is a signatory to the code.

2.8 Legal measures: The organization shall take matters to court if internal sanctions are ineffective, or the laws are violated. According to its means, the organization shall undertake to promote the independence of the judicial system if it has doubts on its independence.

2.9 Setting up networks: The organization shall undertake to set up anti-corruption and protransparency networks.

3 FOLLOW-UP AND EVALUATION OF THE CODE

3.1 Regular evaluation: The organization shall undertake to regularly follow-up the implementation of this code and include the results in its annual report.

3.2 Revision of the code: The code may be revised by all the signatory organizations based on the experience acquired during its implementation. The first meeting shall take place at most one year after the code has come into force.

4 FINAL PROVISIONS

This code was designed and adopted during the workshop on transparency that held in Mbalmayo from 29 to 31 March 1999 and brought together representatives of NGOs, Churches and Church Projects.

This code shall be ratified by the organ that plays the role of board of directors, represented by its president.

Done in on

Organization	Represented by	Date and Signature
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Appendix

A Definitions

Corruption: Corruption is the abuse of public or private authority because of self-interest.

Active corruption: Unlawfully propose bids, promises, gifts, presents or advantages of any kind, directly or indirectly, in order to influence someone who has authority to carry out or refrain from carrying out an act, which falls within his remit, or an act facilitated by his mission or mandate.

Passive corruption: When someone who has authority unlawfully solicits or accepts bids, promises, gifts or advantages of any kind in order to carry out or refrain from carry out an act which falls within his remit.

NGO: In this context NGO refers to all types of organizations existing in Cameroon and governed by the laws on associations CIG, EIG or Cooperatives.

Church: Church refers to any institution whose objective is to propagate and reinforce the Christian faith.

B. List of signatory organizations

C. Laws and regulations on corruption in Cameroon.

(Original version of the code is in french)

For further information on the code

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Verhaltenskodex gegen Korruption und für Transparenz

für Nichtregierungsorganisationen und Entwicklungsprojekte der Kirchen in Kamerun

Präambel

Die Korruption ist das Krebsgeschwür der kamerunischen Gesellschaft geworden. Sie hat sich in den letzten beiden Jahrzehnten entwickelt und nunmehr alle sozialen Schichten erfasst. Im Bewusstsein der Hoffnung, welche die Bevölkerung in sie setzt, und im Wissen um ihre Rolle und Verantwortung innerhalb der Gesellschaft beabsichtigen die Nichtregierungsorganisationen (NROs) und Kirchen von Kamerun, gegen die Korruption zu kämpfen und die Transparenz zu fördern. Die NROs, Kirchen und kirchlichen Projekte hoffen inständig, dass auch Staat und Privatwirtschaft sich ihnen mit konkreten Massnahmen anschliessen.

Das Ziel dieses Verhaltenskodex ist es, einen günstigen Rahmen zu schaffen, um gegen die Ungerechtigkeit zu kämpfen und sich für die Entwicklungsförderung einzusetzen.

Dieser Verhaltenskodex (im folgenden Kodex genannt) ist ein freiwilliges Übereinkommen, das über Kontrollmechanismen verfügt. Die unterzeichnenden Organisationen, fortan „die Organisation“ genannt, setzen sich dafür ein, den vorliegenden Kodex zu respektieren.

1. Prinzipien

Die Organisation verpflichtet sich, die folgenden Prinzipien zu respektieren.

1.1 Respektierung der menschlichen Würde: Das Recht aller Männer, Frauen und Kinder, gegen die Praktiken der Korruption geschützt zu sein, muss bekräftigt und respektiert werden.

1.2 Respektierung der moralischen Integrität: Die moralische Integrität, die aus Vertrauen, Wahrheit und Offenheit besteht, ist eine Voraussetzung für gesunde menschliche Beziehungen.

1.3 Förderung der Gerechtigkeit: Die Gerechtigkeit stärkt die Rechts- und Chancengleichheit aller und trägt dazu bei, die Unterschiede zwischen den einzelnen sozialen Schichten abzubauen. Die Korruption lässt die Ungleichheiten und die Ungerechtigkeit fortbestehen und noch anwachsen.

1.4 Förderung der Transparenz: Alle sozialen Organisationen sind verpflichtet, die Gesellschaft über ihre Ziele, Aktivitäten, Resultate und Mittel zu informieren. Nur aus triftigen Gründen darf dieses Prinzip eingeschränkt werden.

1.5 Ablehnung der Korruption: Jegliche Korruptionshandlung muss verurteilt werden. Die Organisation verpflichtet sich, weder Dritten Vorteile irgendwelcher Art direkt oder indirekt anzubieten, noch für sich oder für andere direkt oder indirekt Geschenke entgegenzunehmen oder sonstige Vorteile zu verschaffen oder versprechen zu lassen, die als widerrechtliche Praxis oder als Bestechung betrachtet werden oder betrachtet werden können.

1.6 Einhaltung der Gesetze: Die Einhaltung der staatlichen Gesetzgebungen und der internen Reglemente der NROs und der Kirchen ist Pflicht, in dem Masse wie diese mit dem vorliegenden Verhaltenskodex vereinbar sind.

1.7 Das Recht, die Korruption anzuzeigen und ihr Widerstand zu leisten: Alle Einzelpersonen haben das Recht, sich zu weigern, gegen den eigenen Willen in korruptionsverdächtige Handlungen hineingezogen zu werden. Zudem haben sie das Recht, jegliche Korruptionshandlung, bei denen sie Zeuge oder Opfer sind, zu melden. Jedes Individuum, das aufgrund seines Widerstandes oder seiner Opposition gegen die Korruption Drohungen ausgesetzt ist, muss die Unterstützung der NROs und Kirchen erhalten, welche diesen Kodex unterschrieben haben.

1.8 Der Vorrang der Interessen der Allgemeinheit vor Einzelinteressen: Das Gemeinwohl muss über den Interessen Einzelner stehen.

2. Umsetzung

Die unterzeichnende Organisation verpflichtet sich, die folgenden Massnahmen zur Umsetzung des Verhaltenskodex zu ergreifen:

2.1 Struktur: Die Organisation passt ihre Strukturen und ihre Verfahrensregeln dem jetzigen Kodex an, namentlich in den folgenden Bereichen:

- Gewaltentrennung bei den verschiedenen Gremien, die voneinander unabhängig sein müssen (Leitungs-, Führungs- und Kontrollorgane)
- Transparenz in der Finanzverwaltung (z.B.. Doppelunterschrift, Veröffentlichung der Jahresrechnung, Verabschiedung von Verfahrensregeln,...)

- Eine externe und unabhängige Revision der Rechnung
- Die Auswahl von Gremienmitgliedern und des Personals ausschliesslich auf der Basis der beruflichen Qualifikation
- Amtszeitbeschränkung, um innerhalb der NROs und der Kirchen eine Wechselfolge zu gewährleisten.

2.2 Information über den Kodex: Die Organisation verpflichtet sich, den Kodex allen ihren Organen wie auch dem Personal und den Beratern und Partnern zuzustellen und zu erläutern.

2.3 Sensibilisierung, Motivation und interne Schulung: Die Organisation verpflichtet sich, das Personal und seine Organe auf allen Ebenen für die Umsetzung des Kodex zu sensibilisieren, zu motivieren und zu schulen.

2.4 Transparente Information: Die Organisation verpflichtet sich, alljährlich ihre Tätigkeits- und Finanzberichte sowie die Bilanz zu veröffentlichen.

2.5 Interne Sanktionen: Sollte der Kodex, insbesondere das Prinzip der Ablehnung der Korruption, von einer oder mehreren Angestellten der Organisation selbst verletzt werden, ist diese angehalten, Sanktionen gegen den/die Schuldigen zu ergreifen. Die Verletzungen und deren Bestrafungen werden so schnell wie möglich publiziert.

2.6 Regelmässige Evaluation: Die Organisation unterstellt sich einer regelmässigen Evaluation ihrer Aktivitäten und Strukturen.

2.7 Rechenschaftspflicht: Jede/r Angestellte hat die Pflicht, dem den Kodex unterzeichnenden Gremium in aller Transparenz zu melden, wenn der Kodex nachvollziehbar und überprüfbar verletzt worden ist, insbesondere wenn es um das Prinzip der Ablehnung der Korruption geht. Sollten keinerlei Massnahmen getroffen werden, so kann der/die Angestellte eine unabhängige Stelle oder die Medien informieren. Alle Angestellten, die solche Verletzungen melden, müssen vollumfänglich von der unterzeichnenden Organisation gegen alle möglichen Vergeltungsmassnahmen geschützt sein.

2.8 Gerichtliche Massnahmen: Die Organisation verpflichtet sich, an die Gerichte mit diesen Angelegenheiten zu gelangen, sollten die internen Sanktionen nichts fruchten, oder die Gesetze gebrochen werden. Zweifelt die Organisation an der Unabhängigkeit des Rechtssystems, setzt sie sich ihren Möglichkeiten entsprechend für die Förderung einer unabhängigen Justiz ein.

2.9 Schaffung von Netzwerken: Die Organisation verpflichtet sich, Netzwerke zu knüpfen oder zu stärken, die gegen die Korruption kämpfen und die Transparenz fördern. Sie setzt sich dafür ein, dass mit dem Privatsektor und den staatlichen Institutionen ein Dialog über die Grundsätze des Kodex aufgenommen wird.

3. Weiterarbeit und Evaluation des Kodex

3.1 Regelmässige Evaluation: Die Organisation verpflichtet sich, die Umsetzung dieses Kodex in regelmässigen Abständen zu evaluieren und die Ergebnisse in ihren Jahresbericht aufzunehmen.

3.2 Revision des Kodex: Der Kodex kann durch die Gesamtheit der unterzeichnenden Organisationen auf der Basis ihrer gemachten Erfahrungen revidiert werden. Sie versammeln sich zum ersten Mal spätestens ein Jahr nach dem Inkrafttreten des Codex.

4. Schlussbestimmungen

Diese Kodex wurde während des Seminars über die Transparenz vom 29. bis 31. März 1999 in Mbalmayo in Kamerun von den Vertretern der NGOs, Kirchen und kirchlichen Entwicklungsprojekte ausgearbeitet und verabschiedet.

Die Annahme dieses Kodex muss durch das Gremium erfolgen, das die Funktion des Vorstands/ des Verwaltungsrats hat; vertreten durch dessen Vorsitzenden/ deren Vorsitzende.

Unterzeichnet in, am

Organisation

Vertreten durch

Datum und Unterschrift

Anhang

A. Definitionen

Korruption: Die Korruption ist der Missbrauch von öffentlicher oder privater Macht zu privaten Zwecken.

Aktive Korruption: Der Vorgang, ohne das Recht zu haben, direkt oder indirekt Angebote, Versprechungen, Gaben, Geschenke oder Begünstigungen irgendwelcher Art vorzuschlagen, um von einer mit Befugnissen und Kompetenzen ausgestatteten Person eine Handlung kraft seines Amtes oder eine Handlung, die durch ihre Kompetenz oder ihr Mandat ermöglicht werden könnte, zu erreichen oder zu verhindern.

Passive Korruption: Der Vorgang, als eine mit Befugnissen und Kompetenzen ausgestatteten Person, ohne das Recht zu haben, direkt oder indirekt Angebote, Versprechungen, Gaben, Geschenke oder Begünstigungen irgendwelcher Art zu erbeten oder anzunehmen, um eine Handlung kraft seines Amtes oder seines Mandats zu erfüllen oder zu verweigern.

B. Liste der unterzeichnenden Organisationen

C. Gesetze und Verordnungen zur Korruption in Kamerun

Übersetzung aus dem französischen Originaltext: Helena Nyberg/Christoph Stückelberger

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CODE

CONTRE LA CORRUPTION ET POUR LA TRANSPARENCE

DES ONGs ET DES PROJETS D'EGLISES AU CAMEROUN

PREAMBULE

La corruption est devenu le cancer de la société camerounaise. Elle s'est développée au cours des deux dernières décennies, et gangrène désormais toutes les couches de la société.

Conscientes de l'espérance que les populations placent en elles, et de leurs rôles et responsabilité au sein de la société, les ONG et les Eglises du Cameroun entendent œuvrer pour la lutte contre la corruption et pour la promotion de la transparence.

Les ONG, les Eglises et projets d'Eglise espèrent vivement que les autres secteurs de la société (Etat et secteur privé) s'associeront par des mesures concrètes à leurs efforts.

L'objectif de ce code est de contribuer à créer un cadre propice pour lutter contre l'injustice et à la promotion du développement.

Ce code de conduite est un accord volontaire, disposant d'instruments de contrôle.

Les organisations signataires, ci-dessous désignées "l'organisation", s'engagent à respecter le présent code de conduite.

1. LES PRINCIPES

L'organisation s'engage à respecter les principes suivants:

- 1.1. Le respect de la dignité humaine:** Le droit de tout homme, toute femme, tout enfant, à être protégé contre les pratiques de corruption, doit être réaffirmé et respecté.
- 1.2. Le respect de l'intégrité morale:** l'intégrité morale qui consiste en la confiance, la vérité et l'ouverture, est une condition pour les relations humaines saines.

- 1.3. **La promotion de la justice:** La justice encourage l'équité et l'égalité des chances entre tous, et contribue à réduire les différences entre les différentes couches sociales. La corruption perpétue et augmente les inégalités et l'injustice.
- 1.4. **La promotion de la transparence:** Tout acteur social a le devoir d'informer la société sur ses buts, ses activités, ses résultats, ses moyens, de façon délibéré ou à la demande. Ce principe ne doit être limité que pour des raisons valables.
- 1.5. **Le refus de la corruption:** Tout acte de corruption doit être condamné. Elle (l'organisation) s'engage à ne pas offrir à des tiers, et / ou ne pas solliciter, accepter ou se faire promettre pour nous-mêmes ou pour autrui, directement ou indirectement, des dons ou autres avantages considérés ou pouvant être considérés comme une pratique illégale ou de corruption.
- 1.6. **Le respect des lois:** Le respect de l'ensemble des lois de l'Etat et des règles internes des ONGs et Eglises est une obligation, dans la mesure où elles sont compatibles avec l'esprit du présent code de conduite.
- 1.7. **Le droit de dénoncer la corruption et d'y résister:** Tout individu a le droit de s'opposer à son implication contre son gré dans des pratiques de corruption, et a le droit de dénoncer tout acte de corruption dont il est témoin ou victime. Il doit recevoir le soutien des ONGs et Eglises signataires du présent code s'il fait face à des menaces du fait de sa résistance ou de son opposition à la corruption.

1.8. La priorité de l'intérêt public sur l'intérêt individuel: L'intérêt commun doit prévaloir sur les intérêts particuliers.

2. MISE EN ŒUVRE

L'organisation signataire s'engage à prendre les mesures suivantes pour la mise en œuvre du code:

2.1. Structure: L'organisation adapte ses structures et ses règles de procédure au présent code, notamment dans les domaines suivants:

- la séparation des différents organes, qui doivent être indépendants les uns des autres (organes de direction, d'exécution et de contrôle)

la transparence dans la gestion financière (par exemple double signature, publication des comptes, adoption de codes de procédure,...)

- un audit extérieur et indépendant des comptes
- le recrutement des membres et du personnel sur la seule base de leurs compétences professionnelles
- la limitation des mandats, pour permettre l'alternance au sein des ONG et Eglises.

2.2. Information sur le code: l'organisation s'engage à diffuser et expliquer le code à tous ses organes ainsi qu'à son personnel, de même qu'à ses consultants et partenaires.

2.3. Sensibilisation, motivation et formation internes: L'organisation s'engage à sensibiliser, motiver et former son personnel et ses organes, à tous les niveaux, à la mise en œuvre du code.

2.4. Information transparente: L'organisation s'oblige à publier chaque année ses rapports d'activités et financier, de même que son bilan.

2.5. Sanctions internes: Si le code, notamment le principe de refus de la corruption, est violé par une des personnes de l'organisation, celle-ci est tenue de prendre des sanctions contre les coupables. Ces violations et ces sanctions seront publiées autant que possible.

2.6. Evaluations régulières: l'organisation se soumet à un suivi et à une évaluation réguliers de ses activités et structures.

2.7. Obligation de rendre compte: Chaque employé(e) a l'obligation de rendre compte en toute transparence, auprès de l'organe signataire du code, des violations établies et vérifiables de ce code, et spécialement du principe de refus de la corruption. Si aucune mesure n'est prise, l'employé(e) peut porter l'information à la connaissance d'un organe indépendant ou des médias. Tout employé rendant compte de telles violations doit être entièrement protégé par l'organe signataire du code, contre toute forme de représailles.

2.8. Mesures juridiques: L'organisation s'engage à saisir les tribunaux si les sanctions internes sont inefficaces, ou si les lois sont violées. Si l'organisation a des doutes sur l'indépendance du système judiciaire, elle s'engage, selon ses possibilités, pour la promotion de l'indépendance de la justice.

2.9. Création des réseaux: L'organisation s'engage à créer ou à renforcer des réseaux de lutte contre la corruption et pour la transparence. Elle s'engage à établir le dialogue sur les principes de ce code avec le secteur privé et les institutions étatiques.

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3. SUIVI ET EVALUATION DU CODE

- 3.1. Evaluation régulière:** L'organisation s'engage à évaluer régulièrement la mise en œuvre de ce code, et à inclure les résultats dans son rapport annuel.
- 3.2. Révision du code:** Le code peut être révisé par l'ensemble des organisations signataires sur la base de leurs expériences prochaines. Les organisations signataires se réunissent la première fois au plus tard un ans après son entrée en vigueur.

4. DISPOSITIONS FINALES

Ce code a été élaboré et adopté au cours de l'atelier sur la transparence tenu du 29 au 31 Mars 1999 à Mbalmayo par les représentants des ONG, Eglises et projets d'Eglise.

L'acceptation du présent code doit être ratifiée par l'organe jouant le rôle de conseil d'administration, représenté par son ou sa président(e).

Fait à , le

Organisation	Représentée par	Date et signature
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ANNEXES

A. Définitions

Corruption: La corruption est l'abus du pouvoir public ou privé pour les intérêts personnels.

Corruption active: le fait de proposer, sans droit, directement ou indirectement, des offres, des promesses, des dons, des présents ou avantages quelconques pour obtenir d'une personne dépositaire d'un pouvoir qu'elle accomplisse ou s'abstienne d'accomplir un acte de sa fonction, ou un acte facilité par sa mission ou son mandat.

Corruption passive: le fait pour une personne dépositaire d'un pouvoir de solliciter ou d'accepter, sans droit, directement ou indirectement, des offres, promesses, des dons ou avantages quelconques pour accomplir ou s'abstenir d'accomplir un acte de sa fonction ou de son mandat.

B. Liste des organisations signataires

C. Dispositions législatives et réglementaires concernant la corruption au Cameroun

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