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Combating Corruption With African Restorative Justice by Genger

**COMBATING CORRUPTION WITH AFRICAN RESTORATIVE
JUSTICE TRADITION: SUGGESTED STEPS FOR NIGERIA**

By

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ABSTRACT

Corruption has continued to plague countries across the world, especially those in Africa. Local and international communities have all congregated around the conviction that Western bureaucratic mechanisms can destroy and deter corruption. The heavy criticisms against them indicates failure coming from inherent contradictions and lack of political and moral will to keep corruption practices and actors at bay. African restorative justice is articulated as a viable mechanism for controlling corruption and should not be taken as a second fiddle to Western mechanisms, but suis generis a strategy with great potentials. By using African restorative justice mechanism, Nigeria will not only be cutting down corruption but attacking its root, namely, moral depravity and the aversion of social responsibility.

Key Words: corruption in Nigeria, mainstream mechanisms, Ubuntu philosophy, restorative justice principles, banishment, African indigenous knowledge

INTRODUCTION

Corruption has been widely researched and discussed under various themes such as Endemic corruption (Nahana and Qijun, 2008), The Complexity of Corruption: Nature and Ethical Suggestions (Cuadrado and Arce, 2005), Corruption: A "multi-headed monster" (UNDOC, 2008), Corruption and Pathology (Gill, 1999), and Corruption and Impunity (Baharav and Reiter, 2015). Judging from these themes, one will certainly assert that corruption is a form of violence that is difficult to analyse and resolve under one descriptive concept and with one intervention strategy. A multi-theoretical, multi-track strategy, multilevel, multi-modal as well as short and long terms approaches are important in achieving cost-effective outcomes in the war against corruption.

In the above light, this paper reiterates the assertion that there is "no one-size fits all" solution to corruption (Mac Ginty and Williams, 2009, p. 26). Thus, the western bureaucratic mechanisms and African restorative justice tradition are examined and critiqued. Considering that the former is already the mainstream, the latter which has been unexplored is expounded and suggested in this paper as an anti-corruption approach, especially in Nigeria where the crusade against corruption is the government's top agenda.

MAINSTREAM BUREAUCRATIC MECHANISMS AND ANTICORRUPTION

These mechanisms refer to the mainstream protective strategies against corruption. They derive basically from the western liberal ideology, thus crafted and globalized by through the operative goals, visions, and principles of The World Bank (2000), USAID (2005), UN Office on Drug and Crime (UNODC, 2004), USAID Anticorruption Strategy (2005), and the 2003 UN Convention Against Corruption.

The mainstream bureaucratic mechanisms are primarily concerned with curbing corruption by controlling, monitoring, and punishing corrupt actors. Bureaucratic mechanisms can be classified into political processes and reforms, government control institutions and practices, punitive strategies and policies, mechanical techniques, and international assistance.

Political Processes and Reforms

This implies that by establishing strong democratic structures and processes, and with the support of political office holders, corruption will be maximally abated. According to Treisman, (2000), “countries that enjoyed at least 45 years of uninterrupted democracy have reduced corruption score” because the politicians did not frustrate the processes (p. 433).

The democratic structure and actors should lean toward a trade and contract system that encourages free participation, for any form of restricted participation will lead to competition which will in turn breed corrupt practices such as bribery, kickbacks and gratification. The political process must also promote press freedom and enhance its “whistleblowing” function. Government functionaries and the public would avoid corruption, lest the media will tarnish their names and integrity (Lambsdorff, 2006). In addition, the political reforms must lead to an efficient labor system characterized with job opportunities, high official wages, and improved living conditions for all the people. Poor labor system breeds corruption (Myint, 2000).

Governmental Institutions and Practices

Governmental institutions will be able to control corruption when backed by a strong political will, a people-oriented government, reputable administrative institutions, an upright justice system and an uncompromising enforcement system (Lambsdorf, 2006; Myint, 2000; Transparency International, 2010). In terms of attitude and practice, government administrators must be resolute and purposeful in this direction. Respectable integrity must become their watch word. As a government institution, the public’s active participation in the war against

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corruption comes in two ways: reporting actual or perceived situation and voting out corrupt officers. It behooves the law enforcement institutions to convince everyone that they are up for business, especially when they “fry some big fish” – that is, publicly try and sentence illustrious figures for corruption (Myint, 2000, p. 55).

Punitive Strategies

The 2004 UN *Office On Drugs and Crime* “toolkits” or action guide designed some punitive strategies such as litigation and the punishment of offenders to stem corruption. Punitive strategies strongly recommend that all recovered loots and illegal funds be returned and re-circled into the economy. In addition, the strategies encourage whistleblowers (the press) to be firm in this struggle.

Mechanical Techniques

With the boom in internet and information technologies, USAID (2005) designed and influenced countries to go electronic in governance, commercial transactions, crime surveillance, case filing, land records, procurements, tax and fee payments, financial managements as well as communication and socialization. USAID insists that the electronic strategy has high potential for preventing and reducing corruption. This strategy is commendable but will impede our psychobiological need for interpersonal and social connection both at work and at home.

International Mechanisms

Fundamentally, all international actors and efforts against corruption rely heavily on mutual assistance between counterparts across borders (Pope, 2000). There are five categories of international anti-corruption mainstream mechanisms. Rose-Ackerman (2013) and Perkins (2004) identify them as: aid and lending institutions, civil and criminal law agencies, non-profit information institutions, international business groups and individuals, and divulgers of antics. Rose-Ackerman explains that the first insists on good governance, the second on the litigation of corrupt actors, the third provides free information and hammers on transparency and accountability while the fourth deals on ombudsman services and designs ethical policies for clean business. The association of ex-economic hitmen, consists of former economic guerilla lords who were employed by international institutions and companies to initiate and sustain corruption and conflicts that would accrue wealth for their employers. Having converted, they have become divulgers of the antics of their employers in the war against corruption (Perkins, 2004). The success and efficiency of these mechanisms are also contingent on the sincere commitment of the crusaders.

Critique of the Mainstream Mechanisms

Many contentions have been raised concerning the efficiency of the mainstream anti-corruption mechanisms. They include the lack of strong will by the government, poor voting power by the public, lack of a coordinating unit, and the ambivalence of the mainstream mechanisms.

According to Hanna (2011), government institutions lack the strong will to control, monitor and punish perpetrators, and this is hampering the cost-effectiveness of the mechanisms. Hanna regrets the paradox where the public is encouraged to report corrupt practices but denied the full power to vote out corrupt officials. She argues that corrupt government officials use the bureaucratic power at their disposal to cover up or escape penalties for their criminal acts.

McCusker (2006) identifies the lack of a holistic approach. This approach should be a single oversight unit with the duty to supervise and coordinate the different mechanisms. He also regrets the errant behaviours of corrupt actors and asserts that the lack of a supervisory unit created a fissure for corrupt actors to defy moral judgement and the law without fear. In addition to the unit that will coordinate all the mainstream mechanism, McCusker reiterates that government functionaries should develop a strong political will for the war against corruption. This call is akin to the Gandhian spiritual principles for social change. The Gandhian principle observes that because the mainstream anti-corruption mechanisms are realist in nature, they do not inspire the required inner moral abhorrence against corruption, and their coercive tactics have continued to yield low results.

The fundamental conditions that define mainstream mechanisms have ambivalent impacts in the crusade against corruption. The mainstream mechanisms believe that democratic conditions such as electoral processes, free economy, human rights, the rule of law rich endowments in human and natural resources will curb corruption, but by their very nature they enable, cause and increase its risks. The electoral process is not devoid of corrupt practices and irregularities. It is the same rule of law and respect for human rights that also provide the caveat, immunity, ex parte laws and other judicial provisions for corrupt actors to evade arrest, prosecution, conviction and punishment. Research has reported that high interest in natural endowments breeds competition by local and international actors, and the competing process gives room for corrupt practices (Goel and Nelson, 2010; Dreher et al. 2007; Treisman, 2000). Mac Ginty and Williams (2009) observe that natural endowments are ambivalent: they enhance development and for their reason conflict and violence such as corruption have continued to consume many nations. Nigeria is a good example. With wide expanse of land, large population of over 172 million people and alarming wealth in oil and gas, the citizens have continued to experience poverty and bloodletting that are strongly connected to corruption.

By officially referring to corruption as a criminal act which defies state procedures and laws, other than a violent act that harms the humanity of victims, the fight against corruption has continued to suffer distortion and failure. Such a flawed definition has the potential to seriously deform the minds, consciences and

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perspectives of the perpetrators of corruption and make them think that they are harming not human lives, but the state. This is the moral deformation that the citizens get when bureaucratic technicalities are emphasized over moral order, relationship and community welfare (Mac Ginty, 2012; Ross, 2012). Both Mac Ginty (2012) and Ross (2012) thus advocate for greater emphases on social interconnectedness, interpersonal relationship and community spirit in the struggle for social change. Values like these will always stimulate consciousness about our shared humanity before citizenship. There is no better explanation why corruption is thriving in Nigeria than the loss of shared humanity due to greater emphasis on citizenship which is equally not in a laudable shape.

The existing shortcomings about bureaucratic mechanisms do not make them obsolete but point out the need for their reinforcement and repositioning. It is also imperative to evolve another strategy since the fight against corruption based on gravity, context, and worldview obviously demands a multi-faceted approach. Corruption is endemic in Africa, especially Nigeria. The African indigenous restorative justice tradition is articulated in this paper as a viable mechanism for controlling violent acts, such as corruption in Africa and elsewhere, and the need to increase research in this area cannot be overstated.

AFRICAN TRADITIONAL AND MORAL PHILOSOPHY: UBUNTU

Restorative justice is a tradition proper to every indigenous community (Tuso, 2008). In Africa, it is grounded in the moral philosophy known as *Ubuntu*. Invariably, an in-depth understanding of *Ubuntu* seriously enhances greater appreciation of African restorative justice system as it pertains to the fight against corruption.

Ubuntu: An African Social and Moral Philosophy

Though it is a South African philosophical terminology, the fundamental epistemological elements of *Ubuntu* are shared by all Africans communities, with some varying peculiarities due to space and time. Scholars (Thurnwald, 1929; Namonde, 2008; Omale, 2006; Murithi, 2006; Issifu, 2015) have articulately identified *Ubuntu* as the concept that adequately encapsulates the African indigenous and traditional philosophy. The renowned African teacher on *Ubuntu*, Desmond Tutu describes *Ubuntu* precisely as the key “essence of being human”. To say, *yu u nobunto* (you have *Ubuntu*) means “you are generous, you are hospitable, you are friendly and caring and compassionate. You share what you have. It is to say, ‘My humanity is inextricably bound up in yours.’ We belong in a bundle of life” (Tutu, 1999, p. 31). It implies therefore that human actions and utterances must aim at safeguarding and enhancing individual and community welfare. *Ubuntu* defies any form of violence such as corruption, bloodletting, oppression and neglect of and by high and low members of the community. Violators of *Ubuntu* are aberrant, and sufferers of the loss of their humanity. The community does not abandon them to their fate but takes the collective process of

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restoring the aberrant and the injured community to order (Gyekwe, 2013; Omale, 2006).

Muiu and Martin (2009) argue that *Ubuntu* is fast transforming into an African ideological paradigm, as liberalism is an European ideology. *Ubuntu* is thus shaping into a strategic framework for addressing the continent's problems pertaining politics, economy, conflicts and social development (Murithi, 2006). The adoption of African restorative justice system for the war against corruption is derived from the intrinsic tenets and values of *Ubuntu* as highlighted below.

Humanism – is one of the fundamental themes of *Ubuntu*. Among Africans, life is unequivocally sacred; and it is given by the Supreme Being. Human life is both metaphysical and material and simultaneously connected with the Supreme Being and the good ancestors on the one hand, and with the living community on the other (Sackey, 2013). Causing harm or death to human life by any means is highly abominable and punishable. The degree of the abomination determines the type of punishment which can be either death, ostracism, excommunication or appeasing the Spirit world (Omale, 2006; Onyeozili and Ebbe, 2012). In *Ubuntuism*, humanism means life, social welfare and shared community. Corruption is an abominable offence against *Ubuntu* and punishable by any of those penalties (Gyekye, 2010).

Personhood – as another fundamental element of *Ubuntu* implies the integration of existence, relational process and moral integrity. Africans don't only live, but are virtuously relational, reliable and ineluctably connected to the community, hence the moral statement about *Ubuntu*: "I am because you are, and my humanity is tied to your humanity" (Omale, 2006; Iisifu, 2015). Personhood in African vision has the Hobson's choice of living interdependently irrespective of one's success, power, status and wealth. Integrity means exhibiting conducts that are morally upholding. True personhood is lost when one dissociates with the community or harms it. In the situation of "cruel wicked, selfish, ungenerous or unsympathetic [acts] – it would be said of that individual that he is not a person." (Gyekye, 2010, p. 8). Africans who are culpable of corrupt acts are by implication bereft of personhood.

Community and Harmony – as already indicated these elements are nonnegotiable to Africans. Personhood as existence and process is made possible and sustained by the shared community consciousness, represented in the *Ubuntu* axiom: I am because you are. Communal relationship is prized above all else as depicted in the Ghanaian saying: human beings count more than gold, and the Hausa proverb: *zumunci ya fi arziki* (community and fellowship are worth more than wealth). Community consciousness makes harmony among the members a prime value. The disruption of community life is unquestionably an abominable

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behaviour. Personhood, community and harmony are strongly connected such that the abuse of one is the abuse of the others. Thus, the loss of personhood via harmful or disruptive acts against the community is punishable with depersonalizing penalties like ostracism, isolation and excommunication (Gyekye, 2010).

Common Good – in *Ubuntu* means the aggregation of the members' good into community wealth. Warranted by the spirit of *Ubuntu*, every person's wealth and welfare is both personal and communal. It is every member's resource, and "there is no tension or opposition" about this idea of common good (Gyekye, 2010, P. 14).

Duty and Responsibility – denote obligations to be fulfilled by every member for the sake of the community. These obligations are derived from the grand values of life, humanity, and common good. Thus, all legal, political, economic, moral and other social processes are duties and responsibilities to be pursued with passion, solidarity, reciprocity, cooperation, interdependence, as well as a sincere commitment toward the community and its members. African morality and social philosophy is "humanitarian, social and duty-oriented rather than rights-oriented morality" (Gyekye, 2010, p. 17).

The above context demonstrates the true African justice tradition and how it evolved and operates. Even with their encounter with the European world, Africans still hold tenaciously onto this philosophical worldview and live by its prime values.

AFRICAN RESTORATIVE JUSTICE TRADITION

The structure and processes of African restorative justice can be understood under three significant headings: key crimes, crime control principles and mediators, and the primary goal.

Key Crimes in African Criminology

Crime in African worldview consists of two directions: as acts that run short of the key philosophical paradigm and values of *Ubuntu* and offences that harm human life and community welfare. Crime is thus seriously abhorred and severely sanctioned as an abomination that manifests evil (Igbo and Ugwoke, 2013). Interestingly, there are numerous scholarships that enumerate in detail what constituted the criminal code in pre-colonial Africa. There is no mention of corruption in the code because inarguably it got introduced into Africa through the European colonialism and neo-liberal systems (Ani, 2014; Moyosore, 2015; Ekanem, 2012). African criminal code was preserved and transmitted via oral methods: songs, stories, proverbs, histories, references, rituals, legends, dances, plays, objects, divinations etc. and by sages, traditional priests, chiefs, elders and peer groups). For lack of space, this paper only looks at a few of them.

Suicide was discouraged as a self-inflicted crime. Sexual crimes included: incest, adultery, fornication, rape and sodomy. Crime against the community consisted

of theft, scuffle/fight, assault, calumny, deliberate starvation with food, gossip, complicity, treason, sabotage, insults/swearing, abuse and disrespect of parents and elders. Contractual crimes comprised of cheating, lying, breaching trust and trespassing forbidden geographical boundaries. Religious/spiritual offences entailed the disrespect of oracles, desecration of sacred places, seasons, festivals and objects. As it can be seen, governmental and political crimes such as corruption, were uncommon because of the non-capitalist and communitarian ontology of the society (Adewale, 2011; Etta and Asukwo, 2012; Igbo and Ugwoke, 2013). These crimes were considered spiteful to the personhood, horribly harmful to the community, and unacceptably abominable against the customs and norms of the community. Perpetrators were seen as delicts (Etta and Asukwo, 2012). Who were the victims of crime? First, it was the individual self that was lost to the crime, then the community and its members. The gods of the land and religious ministers were victims because of the disappointing acts of the criminals (Igbo and Ugwoke, 2013).

Pre-colonial Africans were communitarian and consciously supportive (Adewale, 2011). Corruption defined in political and economic sciences as the breach of state laws for self-aggrandizement was an alien concept to them, until colonial officials introduced it through divide and rule policies, capitalist economy and electoral processes (Moyosore, 2015; Ani, 2014; Eluu, 2015). In today's parlance, crimes such as theft, cheating and the breach of trust are interpreted as corrupt acts that harm the state. In African traditional philosophy however, they are conceptualized as abominable acts that harm the community and its members, punishable with African control principles.

African Crime Control Principles

Approximately 20 crime control principles of pre-colonial African criminology have been enumerated by scholars such as Onyeozili, (2012), Achu et al. (2013), Etta and Asukwo, (2012), Ekeopara and Ogbonnaya (2014). Religious/spiritual taboos, trial by ordeal (concoction consumption to verify offender) and the invocation for metaphysical forces to unleash ominous repercussions on perpetrators of harm significantly discouraged crime. Social penalties comprising temporary exiling, banishment and separation of the parties deterred would be criminals. Contractual regulations hammered on the payment of compensation and fine, slavery or servitude, restitution by evil doers. Social strategies such as family upbringing, education, admonishment and inculcation with basic values and moral responsibilities encouraged members to abhor and demur against evil activities. Public acts such as rewarding social agents and shaming aggressors were popular control principles. Also, force was used for enforcement.

On the other hand, restorative justice was used as mechanism for healing. Within this ambience, healing from crime and conflict was done through interventions,

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meetings, dialogue, and interactive problem-solving mediations by family members and the elders of the community (Onyeozili, 2012; Adewale, 2011; Omale, 2006; Kangéthe, 2009).

There were disciplinary actors (men and women, young and old) and institutions that ensured the enforcement of crime control. Their primary goal was to heal and rehabilitate both the actors and victims of crime. Objectively, they were to restore broken relationships and the fractured community. Interestingly, disciplinary actors occasionally overruled each other without controversy while maintaining order and offering correctional services (Igbo and Ugwuoke, 2013).

Disciplinary actors existed in a hierarchy of authority (district chiefs, clan heads, community elders and family heads), but the transformative interventions occurred in a reversed sequence. Family heads represented by the fathers met on behalf of the opposing parties. The village elders' cult handled crimes unresolved by families and those between families. Clan heads mediated in criminal cases between villages and the family cases referred to them. The district heads, the highest on the ladder ensured that clans lived in harmony (Achu et al., 2013; Etta and Asukwo, 2012). In all, these principles capably controlled crime among the people, and remarkably, their administration were swift and instant (Adewale, 2011; Omale, 2006).

Primary Goal of Restorative Justice

Fundamentally, the goal of restorative justice is to transform the entire violent scenario. Thus, issues like the harm, the act, the parties, the broken relationship and the wounded community received serious attention (Omale, 2006). The attention focused in the direction of re-constructing the ideas, persons, processes and the offense that constitute the crime or violence. Objectively, African restorative justice tradition sought for reconciliation, renewed relationship and harmony in the community. Irrespective of the harm committed, the singular vision was healing and re-introduction into the community not minding what the penalty was. Exiling and separation were not bereft of the hope that with time conflict parties would heal and the exiled would return into the community (Omale, 2006; Murithi, 2006). In *Things Fall Apart*, Okonkwo the murderer returned as anticipated by the community, and as a new man.

It is noteworthy that crime under the restorative justice tradition is a shared responsibility by the community. Therefore, crime perpetrators and victims, as well as their families and the entire community are in sympathy, solidarity and condemnation of the misfortune, and actively involved in transforming the situation. Thus, there is no offense that is too grave to be forgiven so that the parties would be reintegrated into the community. In this wise, penalties were perceived as less burdensome, not because they lacked weight and justice, but because they contained in them the hope and the joy that the aggressor and aggrieved will be eventually re-humanized and rehabilitated. The beauty of restorative justice is that

it is owned by the people, it is *elicitive*, and the justice represents the people's unanimous decision, thus it is credible (Lederach, 1995, 1997).

Criticism of African Restorative Justice Tradition

Restorative justice system in all indigenous communities has recently come under criticisms. Laura (1991, 1997) identifies the lack legitimacy because it denies human rights, inhibits human freedom, trivializes crime, distorts justice, skews outcomes and encourages power imbalance by emphasising harmony, rehabilitation and restoration.

Davidheiser (2006) accuses opponents of restorative justice for being "theoretically stultifying and factually inaccurate" (p. 294). He asserts that his recent research in the Gambia indicates clearly that the African communities prefer their form of justice to the Western justificatory system. Morris (2002) observes that given the opportunities of mainstreaming and restructuring as enjoyed by the liberal justice system, indigenous restorative justice will certainly overcome its limitations and effectively serve its communities.

In his response, Mbatule (2007) blames the skepticism about restorative justice on modernization, democracy, capitalism, and the process of urbanization. The way out of this dilemma is consistency in developing and applying restorative justice and deconstructing the dominant narratives that negate its feasibility. The application of African restorative justice in the war against corruption is a mark of this effort.

RESTORATIVE JUSTICE MECHANISMS AND ANTI-CORRUPTION

Corruption is a hydra headed monster that cannot be attacked with a "one size fits all" approach. Liberal bureaucratic mechanisms can still be used to curb corruption, while they undergo restructuring to address existing loopholes. Primarily, this paper posits that legitimacy and patronage be given to African restorative justice tradition, especially in Nigeria as the country confronts the harmful phenomenon.

Myint (2000) and Moyosore (2015) identify high and low levels of corruption, especially in Nigeria. The former is associated with local and international political and business elites and bureaucrats with high financial portfolios and political power. Their ridiculous motives include greed and irrational pursuit of wealth and power, aided by "guilt aversion" or repression of guilty feeling. Low level corruption is done by average and grassroots individuals such as job seekers, small business owners, low wage earners, office clerks and pay officers etc. unlike the former, their major motives are poverty and tight financial situations (Myint, 2000).

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The position of this paper is that the actions of both high and low corrupt actors are aberrant and insalubrious to the community. It has been critically elaborated above that the mainstream liberal anti-corruption mechanisms are varied, and significantly flawed, loop-holed and ineffective to curb corruption (Hanna, 2011; McCusker, 2006). Enmeshed in the spirit of *Ubuntu*, African restorative justice also has varying control and correctional principles against aberrant situations, social violence and moral disorder such as corruption. Elechi, Morris and Shauer (2010) assert that African restorative justice principles commonly see the aggressor and aggrieved persons or community as victims of the same violence, and it is the collective responsibility of the community to address the aberrant situation of disorder and disharmony. The primary aims of the collective community intervention rebuild the disrupted social order, restore moral rectitude, reinforce social responsibility and rebuild the image of the aggressor and community. African restorative justice principles are thus suitable for both high and low offenders and victims, for the restoration of the lost and wounded *Ubuntu* and enhancement of the community's welfare.

In this light, the two African control and restorative justice principles articulated below can be significantly helpful in addressing corruption perpetrated by both high and low actors, especially in Nigeria. The effectiveness of the suggested principles strongly depends on how they are applied indiscriminately, that is regardless of whether the corrupt actor and act are high or low. To defy this condition is to defile their capacities and thwart their effectiveness.

Banishment

Offenders who committed abominable crimes like murder and treason which brought shame to the community were ostracized or sent into temporary exile. (Thurnwald, 1929; Achebe, 1994). With regards corruption, banishment can be organized as an international prison service system. This suggests that people convicted of corruption should under bilateral terms be imprisoned in countries other than their own. The already existing international relationships between nations and the shared repulsion against corruption provide both the impetus and hope for the feasibility of this strategy.

The bureaucratic mechanisms have been criticized for not meting out a very strong punishment against culprits of corruption (Hanna, 2011; McCusker, 2006). Banishment as suggested will serve as a strong penal filler of this gap. It will also provide the psychological, physical, biological and social impacts to efficiently stave off corrupt actors. Capital punishment is advocated against corrupt officers in Nigeria (Whitman, 2015). Taking human life is an abomination in African worldview; it is also a dreadful penalty to those convicted of corruption. While banishment does not underplay the harmfulness of corruption as a penalty, its suitability and cost-effectiveness are not questionable. Banishment is recommended here against corrupt cases done basically because of greed for

money by high and international actors, and not for the low and local ones whose involvement are due to low income earners and for subsistence.

Many questions can be asked about the practicability of banishment, regarding duration, location, coordination, and monitoring to get the best out of it. Continued research and debate will refine and make banishment more comprehensible. Recalling Morris' (2002) observation, with ongoing research and policymaking, the limitations of every indigenous crime control principles can be adequately addressed. The UN, which recognizes indigenous rights, should develop the required muscles and lobby not only for Western bureaucratic mechanisms but also the African principles such as banishment in the crusade against corruption.

Multi-level Education on *Ubuntuism*

The Ubuntu philosophy was suppressed by the colonialism. The renaissance in African indigenous knowledge and social systems made the revival and teaching of *Ubuntu* philosophy imperative for synthesis Kigongo (2002), hybridity (Mac Ginty, 2010) or legitimacy (Tosam, 2014) in view of encounter with the dominant Western culture.

Corruption can also be addressed educationally and with the *Ubuntu* pedagogical process, namely, interactive meetings by the family, peer group, and leadership. In Ubuntu purview, interactive meetings usually seek to depicting and train family and community members against abominable vices. Braithwaite et al. (2008) and Daly (2006) describe the *Ubuntu* interactive meetings as “restorative justice conferences” (p. 388) and assert that restorative conferences geared towards ridding society of crimes. How can the Ubuntu pedagogical conferences abate corruption, especially in Nigeria?

Family Conferences – this refers to upbringing, education and moral disciplining in the family for inculcating *Ubuntu* values of personhood, community and social responsibility. Thus, the family members are equipped to encounter the outside world. This practice is commonplace among cultures; it is in this light that the Church thus describes the family as the first school for training in faith and morality (John Paul II, 1981).

The role of the family in the fight against corruption is not trivial, but very significant. As the bedrock of the society, Nigerian families must firmly build around the unparalleled values of social responsibility and community interest, in other words. *Ubuntu* upholds these tenets and obliges its members to denounce materialism and individualism. A 2005 religious survey indicated that Nigerians are the most religious people, because they coat all their social activities with religious consciousness. For this reason, the integrity of their Islamic, Christian and Traditional faiths must blazon in their non-engagement and complicity in

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corruption, or otherwise by surveyed as the most deceitful and hypocritical. There is no better time for Nigerian families to inculcate the social teachings of *Ubuntu* and the religious values of love, empathy, charity and integrity than now as it combats corruption. Every family must strongly condemn all criminal and abominable activities such as corruption. The true litmus test of the commitment in this direction is nothing short of an unambiguous public condemnation of family members who are perceivably and realistically corrupt. In the war against corruption, the contributions of every family are important in teaching and mobilizing their members toward safeguarding the future with social justice, against the ignominy of corruption. The pedagogical statement, a “good name is better than wealth and fame” is important in this campaign. The faces of African families must turn from individualism exclusion and capitalism which thrives on apathetic accumulation to inclusion and restorative justice (Mbatule, 2007). Family conferencing for the inculcation of *Ubuntu* and religious social values is an unequalled obligation in the war against corruption in Nigeria.

Youth Conferences – variegated in age group meetings and discipline has always been an integral crime control strategy in African socio-cosmology (Igbo and Ugwuoke, 2013; Onyeozili, 2012). Age group meetings existed on the bases of gender, age, and peers. Traditional African communities used age group meetings to check communal problems and crimes, they also admonished, commend and conferred accolades on members who promoted community welfare (Igbo and Ugwuoke, 2013). Youth conferencing is useful in the fight against corruption. Through educational activities and projects, youth conferencing will inform and prepare the youth against imbibing the culture death defined by corruption and other social vices. The re-launching of the War Against Indiscipline Brigade by the Nigerian government is a cheery development to all Nigerians. The program is intended to directly involve the youth in the fight against insecurity, corruption and other social vices (Ogundipe, 2016). The success of this program is contingent on its indigenization with *Ubuntu* values. Youth programs woven with Western values have disoriented African youths with the legacy of identity crisis. African youths have “embraced irregular ways and adopted dissident and unconventional practices that transport them towards worlds where Africa is either absent or ignored” (Diouf, 2003, p. 229-232), they have also rejected their ancestral traditions, and state and are thus grappling with the alienating Western individuality (Diouf, 2003). Deeply *Ubuntunized* programs will restore African identity and provide the youths with the logical and moral framework to ably combat social vices. *Ubuntunized* to discountenance corruption, Nigerian youths will no more be wangled into holding protests the arrests of corrupt officers on the bases of shared ancestral lineage and domicile, while they are being corruptibly cheated and harmed. Indigenized youth conferencing must prepare Nigerian youths with the credibility and responsibility to oppose corruption.

Traditional Leaders and Anti-Corruption – Traditional leadership institutions led by local chiefs has remained an interminable legacy from pre-colonial Africa.

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Though opposed and suppressed as crude, outdated and undemocratic, colonialism failed to extinct the traditional leadership institution. The 1970s witnessed its revival claiming that as a cultural heritage it is closer to the people and it represents the life, harmony and the welfare.

This inclination of the people must be paid with adequate responsibility of service. African traditional leaders must galvanize themselves and cultural assumptions of the people to wipe out social vices and abominations such as corruption. It is their paramount duty to continually restate that relationship, humanity, sacrifice, generosity, integrity and truthfulness are prime African values which must be allowed to guide all the people in politics, government, business and other walks.

Traditional leaders must use the available opportunities to revamp social and moral responsibility in the people. The customary pilgrimage of visiting chiefs by illustrious daughters and sons for “ancestral blessings” should be used to reemphasize the imperativeness of moral rectitude and commitment. Community projects and cultural festival should become initiatives where chiefs will out-rightly condemn corruption and mobilize both the youths and families in the same direction. A traditional leader revealed to me that peace returned to his community and the people minimally patronize western courts because family and youth conferencing which has revamped are now mainstream in his community. This strategy will also work against corruption.

Traditional leaders must be aware that as custodians of the values and welfare of their people shielding or supporting corrupt officers by them is more abominable. The shielding of corrupt officers in Nigeria, Ghana, Kenya, and Zambia is abysmal (Blench, et al., 2006), but the contrary case where “religious leaders, traditional leaders, and the president’s office are perceived as comparatively clean” (Aiko, 2015, p. 4) is very emulative.

In the present political process, traditional leaders must be bold to recall any elected community member convicted of corruption. Senator Arthur Nzeribe was recalled in 2007 by his community because gross acts of corruption (Onwukwe, 2009). There is no greater challenge that tests the integrity, honesty, incorruptibility and true character of the African “royal fathers”, than addressing their erring members and corrupt wards (Obaro, 2015).

It behooves traditional live always conscious of the responsibilities rested on their shoulders in the spirit of *Ubuntu*. They must therefore develop a strong and ascetic character that puts shoves personal craving for wealth and provides the resilience that overpowers the wiles of corrupt agents who seek to distract them. Traditional leaders in Zambia have a national association, a platform they use to pull their resources for matters of welfare and national development (Siame, 2015).

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Bickering over which traditional leader is supreme and the partial agitation over the non-inclusion of their members in government appointments have impeded the successful takeoff of the National Council for Traditional Rulers (NCTR) in Nigeria. The late President Yar Adua proposed this council, but the Nigerian traditional leaders are not able to have it running (Oladesuon, 2013). The overcoming of corruption in Nigeria hinges on the sincere unity and commitment as well as constructive criticism and dialogue by traditional leaders in the country. The bane of bickering over supremacy and unrealistic segregation should become a thing of the past. Dividing factors, caprices and unproven suspicions should be buried.

CONCLUSION

As corruption appears to elude the grip of mainstream conflict resolution mechanisms, there is no harm looking at the African restorative justice tradition, not as a second fiddle but a primary feasible strategy in its right. It has been articulated above that restorative justice system is a good social control mechanism for fighting corruption.

The success of any anti-corruption strategy depends very much on the moral transformation of the actors. Due to lack of personal moral ethics and integrity, McCusker (2006) regrets that public officers errantly beat bureaucratic mechanisms to perpetrate their acts. It has become very clear therefore that abating corruption largely depends, not on bureaucratic systems, technology and formulas as on good moral formation, through the reinforcement of the principles of *Ubuntu* of compassion, welfare, empathy, relationality and abhorrence of oppression by high and low members of the community. An upright moral principle will also enable the proper construction of natural endowments, human resources, political institutions and economic processes for common good. A good moral formation built on the consciousness of interconnection of humanities will realize that corruption is a contradiction of its principles, and thus demur it.

The *Ubuntuism* as a moral philosophy is akin to the Gandhian moral principle which states that the power for social change lies in our moral and psychological will. This power enables people to appreciate the humanity that we share with each other and the community we are all rooted in. This power will enlighten people about the harmfulness of corruption far less against the state than the humanity of individuals and spur their moral and physical will to reject corruption. The internalization of a humane moral philosophy will lead to greater awareness that systems are only tools to achieve our dreams, but the efforts to use the tools come from the inside. Herein lays the power of restorative justice which must be noticed and harnessed (Morris, 2002).

Restorative justice should be understood as a mechanism that works on short and long terms bases. Grounded in the African principles of *Ubuntu* restorative justice

can develop the inner power and will to veer against corruption and make the bureaucratic tools useful in their own ways.

In *The Alternative*, Burton (1957) argues that genuine change from vices associated with political capitalism is possible with the creation of an alternative philosophy, ideology or paradigm. Realizing how imperialistic and oppressive neoliberalism conditions non-Westerners and how neo-liberal capitalism predates on them, Burton does not mince words in condemning it. From Burton therefore we hear the call to change the gaze from bureaucratic processes and develop an alternative to overcome negative outcomes of Western liberalism. European colonialism introduced the institutional processes that gave rise to the culture of corruption in Africa, and its bureaucratic systems are unable to stem it. The call for African restorative justice system as an alternative approach to overcome corruption comes with optimism on three grounds. First as a control principle against corruption, second as an ideological paradigm for recovering the lost African identity and confidence, and third as a stratagem toward the African Union's policy positions; "Try Africa First" and "African solution for Africa's problems" (Sesay & Omotosho 2011).

Bibliography

- Achu, A. A & Emeka, J. O. & Abul, F. (2013). Traditional methods of crime control and community security in Odukpani Local Government Area of Cross River State - Nigeria. *Journal of Humanities and Social Sciences*, 14(5), 61-66.
- Adewale, A. S. (2011) Benin: Crime in traditional Africa. *Otedo.com*. Retrieved from <http://ihuanedo.ning.com/profiles/blogs/benin-crime-and-traditional> on 04/04/2016
- Aiko, R. (2015, September, 24). Tanzanians perceive ineffective fight against corruption, say citizens have a role to play. *Afrobarometer Dispatch 48*. Retrieved from <http://afrobarometer.org/> on 04/04/2016.
- Ani, K. J. (2014). Corruption, social violence ethical culture in Nigeria. *Independent Journal of Management & Production*, 5(3). 829-852
- Baharav, N. & Reiter Z. (2015, April 8). Corruption and impunity in the Americas require urgent actions, not just rhetoric. *Transparency International*. Retrieved from www.transparency.org on 06/04/2016
- Blench, R., Longatu, S. Hassan, U & Walsh, M. (2006). The Role of Traditional Rulers in Conflict Prevention and Mediation in Nigeria. *Department for*

Combating Corruption With African Restorative Justice by Genger

International Development, Nigeria: Interim Report. Retrieved from www.rogerblench.info on 29/03/2016.

Braithwaite, J., Ahmed, E., & Braithwaite, V. (2008). Shame, restorative justice and crime. In Cullen, T. F., Wright, P. J., Blevins, R. K. (Eds.). *Taking Stock: The Status of Criminology Theory* (pp.46-56). New Brunswick: Transaction Publishers

Byrne, S., & Senehi, J. (2012). *Violence analysis, intervention, and prevention*. Athens: Ohio University Press

Cuadrado, C. R. & Arce, A. L. J. (2005). The Complexity of Corruption: Nature and Ethical Suggestions. *Working Paper 5(6)*. Retrieved from www.unav.edu/documents on 04/04/2016

Daly, K. (2006). The limits of restorative justice. In Sullivan, D. and Tifft, L. (Eds.). *Handbook of Restorative Justice: A Global Perspective* (pp.134-146). New York: Routledge.

Dreher, A, Kotsongiannis, C., McCorriston, S. (2007). Corruption around the world: Evidence from structural model. *Journal of Comparative Economics*, 35, 443-466.

Ekanem, F. (2012). Culture of impunity and the ambivalence of Nigeria's political class. *American Journal of Social Issues & Humanities*, 2(2), 48-56.

Elechi, O. O., Morris, S. V. C., and Schauer, E. J. (2010). Restoring justice (Ubuntu): An African perspective. *International Criminal Justice Review*. 20(1) 73-85. doi: 10.1177/1057567710361719

Eluu, E. P. (2015). Views of African traditional religion on corruption: Implications for Nigerian society. *Journal of Philosophy*, 9, *Culture and Religion*, 2422-2443.

Etta, E. E. and Asukow, O. O. (2012). The nature of African ethics. *Internet AFRREV*, 1(2), 55-60.

Gili, M. & Davies, R. (2014, January 29). 70% of governments fail to protect against corruption in the defence sector. *Transparency International*. Retrieved from <http://www.transparency.org> on 12/04/2016.

Gill, S. S. (1999). *The Pathology of Corruption*. India: HarperColins Publishers.

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ISSN 1554-3897

- Goel, K. R. & Nelson, A. M. (2010). Causes of corruption: History, geography and government. *Journal of Policy Modeling*, 32, 433-447.
- Gyekye, K. (2010). African ethics. In Zalta, N. E. (Ed.). *The Stanford Encyclopedia of Philosophy*. Retrieved from www.plato.stanford.edu on 29/03/2016.
- Hanna, R. Bishop, S. Nadel S. Scheffler, G. & Durlacher, K. (2011). The effectiveness of anti-corruption policy: What has worked, what hasn't, and what we don't know. *System Review*. Retrieved from www.r4d.dfid.gov.uk on 29/03/2016.
- Igbo, U. M E. & Ugwuoke. O. C. (2013). Crime and crime control in traditional Igbo society of Nigeria. *Developing Countries Studies*. 3(3), 160 – 167.
- Issifu, K. A. (2015). Exploring indigenous approaches to peacebuilding: The case of Ubuntu in South Africa. *Peace Studies Journal*, 9-21
- John Paul II. (1981). Familiaris consortio. *Apostolic Exhortations*. www.vatican.va on 29/03/2016.
- Kahana, N. & Qijun, L. (2010). Endemic corruption. *European Journal of Political Economy*. Retrieved www.elsevier.com on 02/04/2016.
- Kang'ethe. N. (2009, January 19). African traditional values - Interview with the very reverend John G. Gatu. *AfricaFiles*. Retrieved from www.africafiles.org, on 06/04/2016
- Kigongo, K. J. (2002). The relevance of African ethics: To contemporary African society. In Dalfovo, T. A., Kigongo, K. J., Kisekka, T., et al. (Eds.). (2002). *Ethics, Human Rights, and Development in Africa*, 8. Washington D.C: Council for Research in Values
- Lambsdorff, G. J. (2006). Causes and consequences of corruption: what do we know from a cross-section of countries? In Rose-Ackerman, S. (Ed.). *International Handbook on the Economics of Corruption*. Cheltenham: Edward Elgar Publishing.
- Lederach, J., P. (1997). *Building peace: Sustainable reconciliation in divided societies*. Washington DC: United States Institute of Peace Press.

Combating Corruption With African Restorative Justice by Genger

- Mabutla, F. G. (2007). The fate of traditional Leaders in post-apartheid South Africa. With Aran MacKinnon (State University of West Georgia), Discussant. Session: *Changing Identities and Roles: Tradition Reconfigured*. Kentucky: Northern Kentucky University.
- Mac Ginty, R. and Williams, A. (2009). *Conflict and development*. New York: Routledge.
- Mac Ginty, (2010). Hybrid peace: The interaction between top-down and bottomup *Peace Security Dialogue*,4(4), 391-412.
- McCusker, R. (2006). Review of anti-corruption strategies. *Australian Institute of Criminology*. <http://www.aic.gov.au>
- Morris, A. (2002). Critiquing the critics: A brief response to critics of restorative justice. *British Journal of Criminology*, 42 (3): 596-615.
- Moyosore, O. S. (2015). Corruption in Nigeria: Causes, effects and probable solutions. *International Institute of Academic Research and Development*, 1(4), 1-15.
- Muiu, W. M. and Martin, G. (2009). *A New Paradigm of the African State: Fundi wa Afrika*. US: Palgrave Macmillan
- Murithi, T. (2006). African Approaches to Building Peace and Social Solidarity. *African Journal on Conflict Resolution*, 6(2), 9-34.
- Mynt, U. (2000). Corruption: Causes, consequences and cures. *Asia-Pacific Development Journal*, 7(2). Retrieved from www.unescap.org on 22/06/2016
- Nomonde, M. (2008). Xhosa practices of Ubuntu for South Africa. In Zartman, W. I. (Ed.). *Traditional cures for modern conflicts: African conflict "medicine"* (pp.169-181). London: Lynne Rienner Publishers, Inc.
- Obaro, H. (2015). We are betrayed by all traditional rulers in Nigeria but one. *Naija.com*. retrieved from <https://www.naij.com>. On 22/04/2016
- Oladesu, E. (2013, January 8). What role for traditional rulers? *The Nation*. Retrieved from <http://thenationonlineng.net/what-role-for-traditionalrulers/> on 04/04/2016.
- Omale, J. O D. (2006). Justice in History: An examination of 'African restorative traditions' and the emerging 'restorative justice paradigm. *African journal of criminology and justice studies*. 2(2). 33-63.

- Onwukwe, D. (2009, December 8). Ohakim, beware of Nzeribe, et al. *NBF News*. Retrieved from <http://www.nigerianbestforum.com>, on 02/04/2016
- Onyeozili, C. E. and Ebbe, I. O. (2012). Social control in precolonial Igboland of Nigeria. *African Journal of Criminology and Justice Studies*, 6(1&2), 29-43.
- Rose-Ackerman, S. (2006). Introduction and overview. In Rose-Ackerman, S. (Ed.). *International Handbook on the Economics of Corruption*. Cheltenham: Edward Elgar Publishing.
- Ross, R. (2014). *Indigenous healing: Exploring traditional paths*. Toronto: Penguin Group.
- Sackey, M. B (2013). African worldviews. Manuh, T., Suntherland-Adi, E. (Eds.). *Africa in contemporary perspectives* (pp.151-164). Accra: Sub Sahara Publishers.
- Sesay, A and Omotosho, M. (2011). 'Try Africa First', The African Union and Conflict Management in Africa: Opportunities and Challenges. *Centerpoint Humanities Edition*, 14(1), 1-26.
- Siame, S. J. (2015, August 6). The role of traditional leaders in the fight against corruption. *The Post*. Retrieved from www.postzambia.com on 04/04/2016
- Thurnwald, R. (1929). Africa: Social Systems of Africa. *Journal of the International African Institute*, 2(3), 221-243.
- Tosam, J. M. (2014). The relevance of Kom ethics to African development. *International Journal of Philosophy*, 2(3), 36-47.
- Transparency International (2010). Whistleblowing: an effective tool in the fight against corruption. *Transparency International*. www.transparency.org
- Treisman, D. (2000). The causes of corruption: A cross-national study. *Journal of Public Economics*, 76, 399-457.
- Tutu, D. (1999). *Future Without Forgiveness*. New York: Doubleday.
- United Nations ODC. (2004). *The Global Programme Against Corruption - UN Anticorruption Toolkit*. Vienna.

Combating Corruption With African Restorative Justice by Genger

UNODC, (2008). Corruption: A "multi-headed monster". *United Nation Office of Drugs and Crime*. Retrieved from <https://www.unodc.org/unodc/en/frontpage/corruption-a-multi-headedmonster.html> on 04/04/2016

USAID. (2005). *USAID Anticorruption Strategy*. Washington, D.C.

Whitman, E. (2015, October 9). In Nigeria, Corruption Deserves Death Penalty, Labor Unions Say Amid Buhari's War on Graft. *International Business Times*. Retrieved from www.ibtimes.com on 29/03/2016.

World Bank. (2000). *Anticorruption in Transition - A Contribution to the Policy Debate*. Washington, D.C.