

## **CORRUPTION AS CANCER/HIV/AIDS AND THE NEXUS WITH ORGANISED CRIME**

### **Introduction**

Over the last two decades the debates around corruption have acquired a new intensity and concentrated focus. Corruption rose to the top of the global development agenda. The destructive effect of corruption on development is also directly related to transnational crime. This issue has already contributed to concerns about ‘failed states’ and even ‘criminal states’. It must be accepted that organised crime and corruption in its systemic manifestation are alternative forms of governance compared to what is perceived as governance in democratic states. The current discourse on the nature and impact of corruption focuses very strongly on its systemic nature. This is evident in the metaphors of cancer and the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) adopted in the discourse on corruption. References to these metaphors are explained by Klitgaard (2010: 15): “Like disease, corruption comes in many forms, some cancerous, some mild. Like disease, corruption can be widespread like a pandemic or occasional like the mumps”; while Bitarabeho (2003: 1), for example, has stated that “corruption is a cancer that eats the social, political and economic fabric of development and requires the involvement of every citizen to combat it”. Metaphors can be useful to explain complex phenomena with relative simplicity. However, before applying these two disease metaphors here, it is necessary to focus on what the phenomenon of corruption entails.

### **Corruption as the problem situation(s)**

The World Bank (WB) defined corruption as the use of “public office for private gain” (World Bank, 1997; and 2007: 9). This is one of the most commonly used definitions of corruption within the public domain. In the 2007 publication the WB still maintains the definition of the 1997 publication, but when read in context the definition acknowledges the complex nature of the phenomenon. The expanded definition of the WB distinguishes between “isolated” and “systemic” corruption (World Bank, 1997: 9-10). Isolated (or accidental) corruption is described as “rare, consisting of a few acts, it is straightforward (though seldom easy) to detect and punish”. In this case, non-corrupt behaviour is the norm, and public and private sector institutions exercise integrity. Both formal and informal systems are strong enough to return the system to a “non-corrupt equilibrium”. On the Corruption Perceptions Index (CPI), Transparency International (2011) Norway is ranked 9<sup>th</sup> out of 183 countries and scores 9 out

of 10 (with 10 being a perfect score for good governance). Norway is an example of instances of isolated corruption. Systemic corruption, on the other hand, is pervasive, or entrenched, and corruption is routine between and within the public sector, companies or individuals. Formal and informal rules are at odds with one another. Corruption may be illegal, but in this case it is routine in transactions with government or business. Equilibrium exists (also called a “systemic corruption trap”) where incentives for corruption are very attractive for companies, individuals and public servants – attractive enough to be purposefully exploited rather than resisted, because of a high likelihood of success in an environment supportive of corruption. Based on the CPI, Transparency International (2011) Kenya is ranked 154<sup>th</sup> out of 183 countries and scores 2.2 out of 10. Kenya is an example of a country with systemic corruption.

The WB adjusted its definition slightly to replace “public office” with “trusted office”. By implication the role of the private sector is also acknowledged by this modification. However, the WB’s adjusted definition still fails to acknowledge the general nature of corruption as being systemic – a concept that suggests interdependence on deviant behaviour between public and/or private sector institutions. From a systemic perspective, the WB’s definition does not capture the essence of corruption and is inadequate for managing corruption. Corruption is a function of dishonesty, a lack of integrity and the abuse of private and/or public office for personal gain. However, it occurs most frequently and pervasively when there is a ‘culture’ of corruption, when the risk of exposure is lower than reward for corrupt behaviour. This is because of the mutual acceptance of, and mutual interdependence on, corrupt behaviours between corrupters (initiators) and corruptees (participants) within an institution.

Corruption represents a breakdown in integrity. According to Rose-Ackerman (1996: 2), integrity implies “honesty, probity, uprightness, moral soundness, moral stature, principle, character, virtue, purity”. Antonyms of integrity are “deceit, venality, corruption” (Shepherd, 2006: 447). Latin for ‘integrity’ is *in-teger*, meaning “what is not touched, taken away from, or interfered with” (*Stanford Encyclopedia of Philosophy*, 2010a). *In-teger* can therefore be interpreted as ‘wholeness’. Therefore, ‘integrity’ should be a central (albeit opposing) concept in any root definition of corruption, because it represents consistency in “actions, values, methods, measures, principles, expectations and outcome” (*Stanford Encyclopedia of Philosophy*, 2010a; *Stanford Encyclopedia of Philosophy*, 2010b). The *Oxford Advanced Learner’s Dictionary* (2005: 714) defines ‘holistic’ as follows: “considering a whole thing or being to be more than a collection of parts”, and in relation to medicine: “treating the whole person rather than just the symptoms”. This definition corresponds with the definition in the *Verklarende Handwoordeboek van die Afrikaanse*

*Taal (HAT)* (Odendal, 1985: 401), which emphasises that holism is a philosophical statement “*wat berus op die beginsel dat die geheel meer as die som van die dele is*” [based on the principle that the whole is more than the sum of its parts]. The HAT definition emphasises the inherent characteristic of holism, namely the whole is of greater significance than the sum total of the individual independent parts. This seems to be a most appropriate insight for the purposes of this study. Holism is also prevalent in the most precise and the most appropriate core definition of a system is probably the one by Ackoff (2009: 6), who described a system as: “...a whole defined by one or more functions, that consists of two or more essential parts”, that satisfy the following conditions:

- “Each of these parts can affect the behaviour or properties of the whole;
- None of these parts has an independent effect on the whole;
- The way an essential part affects the whole depends on what other parts are doing; and
- Every possible subset of the essential parts can affect the behaviour or properties of the whole but none can do so independently of the others”.

Corruption can therefore be defined as “an impairment of integrity, virtue or moral principle; depravity, decay, and/or an inducement to wrong by improper or unlawful means, a departure from the original or from what is pure or correct, and/or an agency or influence that corrupts” (*Merriam-Webster Dictionary*, 2010). A scholar may argue about “what is pure or correct”, but the essence of the definition is clear. Equipped with a better understanding of corruption as a systemic phenomenon, it is now appropriate to apply the two disease metaphors to crystallise an understanding of the destructive effects of corruption on a holistic system.

### **Research objectives and literature review**

Following from the problem that corruption is so difficult to define and to describe, the objectives of this article are:

- To use the metaphors of cancer/HIV/AIDS to explain the corruption phenomenon.
- To describe the nexus of corruption with organised crime.
- To provide an increased understanding of the systemic nature of corruption.

To investigate the systemic nature of the corruption phenomenon, it was required to consult sources with a preference to provide a better understanding of its systemic nature. Due to the research methodology applied, a relatively wide range of literature were consulted.

### **Research methodology**

The research methodology as applied in this article is based on systems thinking methodologies and specifically the soft systems approach. The meta-assumptions associated with this methodology are based on the following: The context is that of an open system; interactions follow a network structure of interdependent relations between numerous components. Systems theory was chosen as the framework for design of the article. In order to understand the researcher's choice and motivation of the framework for research, it is necessary to focus briefly on the historical development of systems theory and the evolution of soft systems.

**Systems theory** can be dated back to the Greek philosophers, such as Plato. More recently, Smuts (1926) in his book 'Holism and Evolution' introduced the concept of holism that contrasted the idea of a '*geheelgreep*' in scientific thoughts with analytical or reductionistic thoughts. Since the 1930s, authors such as Koehler, Weiner and Von Neumann, Bartalanffy, Katz, Kahn, Simon and Building have written about the differences between open and closed systems and self regulation. During the 1970s, system simulation formed the methodological basis for the first Club of Rome report, 'Limits to Growth'. During this time, a distinction was introduced between 'hard systems' that can be described with clarity and for which clearly defined solutions can be found through linear and scientific investigation; and 'soft systems' that cannot be described with clarity and for which no easily defined solutions can be found. Examples of hard systems are machines and the human body; and people in organisations are examples of soft systems. The management of soft systems is different from the management of hard systems. The social sciences study area of complexity developed from the natural sciences studies in cybernetics in the 1990s and chaos theory of the 1980s. During the 1970s the study of soft systems already anticipated the current complexity arguments, such as corruption.

The term '**soft systems approach**' was coined by Checkland but earlier conceptual contributions by authors such as Ackoff, Gharajedaghi and Churchman provided a strong intellectual foundation to this approach. Churchman (1982), Ackoff (1981) and Gharajedaghi's (1999) contributions to soft systems studies were that they provided conceptual clarity about

articulating and defining key concepts in addressing systemic problem situations. Soft systems mode of enquiry is largely conceptual in nature and most suitable for 'messy/knotted' and ill-structured problem situations where interdependent elements occur that cannot be analysed independently (Jackson, 2008: 183). Soft systems focuses specifically on the social and human application of problem situations such as corruption. The soft systems approach does not require clear objectives before the problem solving process can start, as is the case in the complex problem situations of corruption and development. Root definitions and conceptual models assist soft systems for analysing problem situations from different perspectives.

In addition to systems thinking methodologies and the soft systems approach, the methodologies that follow were blended and applied.

Conceptual analysis, that focuses on the meaning of words or concepts through clarification and elaboration of definitions of key concepts and their interpretation. The conceptual framework facilitated the systematic presentation of material and logical consistency.

Hermeneutics, which entails interpretation, reinterpretation and reflection of texts on corruption where texts get a relative meaning in terms of its bigger and/or smaller context. A requirement for applying hermeneutics is that the author has had to consult an appropriate wide body of relevant literature, because all texts and their interpretations have to be 'tested' within their contexts. Thus, the necessity for distinguishing between primary and secondary sources seems irrelevant for the purpose of this article.

The focus shifts now to the discussion and findings of the article.

### **Corruption as a cancer/HIV/AIDS**

The Eritrean Ministry of Information used the metaphor of cancer to explain the impact of corruption as "a dangerous cancer that will destroy a healthy culture, pollute the moral and accepted values of the society, undermine the rule of law, decimate the social and economic rights of the majority and retard the production capacity of the people and government. It is the greatest threat to national security" (Klitgaard, 2008: 1). Such cancer is also destructive of development initiatives.

The similarities between cancer and corruption are perhaps best illustrated by means of the HIV/AIDS metaphor. The main contributors to cancer have their roots in socio-economic factors

or lifestyle (e.g. stomach cancer) and genetics (e.g. bone cancer). HIV/AIDS has an ethical and moral dimension that cancer does not have. HIV/AIDS tends to have a higher prevalence rate and impact at the lower end of the socio-economic continuum than on the affluent. For example, some women from poor households without formal occupational skills take to prostitution as a means to survive, increasing their risk of contracting HIV/AIDS. Poor people are vulnerable to the impact of corruption, for example, the poor in Zimbabwe who survive on food donations cannot afford delays in distribution because of corrupt officials, who can make a difference between life and death. The affluent are also vulnerable if their comfortable lifestyles are based on greed; if greed is combined with lucrative but illegal opportunities, it contributes to corruption. The affluent also become involved in situations where they could contract HIV/AIDS, such as multiple sexual partners, medical treatment and sport, if the probability of being infected with the disease is perceived as being low. As is the case with HIV/AIDS, the affluent are better informed than the poor about the implications of corruption if they are caught, such as scandals, being convicted and loss of social status, and are thus in a position to take better precautions and to manage the risks better than the poor.

HIV/AIDS breaks down the immune system of a patient, making him/her vulnerable to various other opportunistic infections, such as colds and pneumonia. These diseases are just symptoms of the 'real' or 'second-order disease', corruption. Treating only these 'first-order diseases' such as HIV/AIDS will relieve the symptoms temporarily, but will not contribute to curing or preventing HIV/AIDS, which reduces life expectancy as a whole. Corruption also breaks down the immune system of a social system, an institution, because it creates the atmosphere or climate for other diseases to flourish, for example, conflicts of interests. These 'symptoms' are just manifestations or multiple faces of the second-order disease called corruption. The best treatment can extend the life expectancy of HIV/AIDS patients by several years, given the financial ability to afford the best antiretroviral treatment. With corruption, institutional life expectancy can also be extended, either with more regulation and monitoring, or with an increase in the abuse of political power to protect corrupt and/or politically connected individuals. As more systems are subverted by HIV/AIDS and corruption, the disease becomes more severe, e.g. liquidity problems, and institutions eventually 'die', like patients whose whole immune systems have been fatally compromised. Indicators of (social) death are illegitimate institutions with very limited trust and very limited social capital, where individuals operate in self-serving cliques that protect their corrupt members from exposure and prosecution. Organised crime is also connected with HIV/AIDS and these 'diseases' have some symptoms in common, i.e. a high prevalence of drug abuse, women and child trafficking, and

prostitution. Criminal groups and HIV/AIDS are both social pathologies that represent deeper underlying problems in a society or country. Pathology is a biological term that refers to a condition of illness – a deviation from what is regarded as normal vigour. A societal pathology refers to a shortage in terms of the desire or ability (in terms of development) of rulers and managers to remove a persistent development obstruction (Spies, 2003: 7). In penetrated states and countries with a high HIV/AIDS prevalence, people become tolerant of corruption or HIV/AIDS. An indicator of such tolerance and resistance to ‘treatment’ is when people justify their HIV/AIDS status or corrupt behaviour because the culture is one where ‘everybody does it’. When such a culture prevails, members lose hope of a better and shared future, because the corrupted culture is so entrenched and so unjust that members cannot see how a change is possible.

To provide a long-term cure for corruption and HIV/AIDS, it is necessary to create legalised and ‘hard’ institutional structures, i.e. measures to regulate, monitor and penalise people engaging in corruption and associated practices such as prostitution; as well as to implement ‘softer’ measures, i.e. improving knowledge, morality and social accountability. ‘Patients’ need institutional and legal protection, financial assistance, social safety networks, expert knowledge and counselling to deal with the antagonism associated with both diseases. The earlier the symptoms (of corruption/disease) can be identified, the better (social/individual) patients respond to treatment. For this reason, health workers and anti-corruption agents and/or fighters need to have expert knowledge and skills as well as commitment to diagnose these diseases as early as possible. For example, if cancer can be identified before the aggressive duplication of cancer cells, chemotherapy is not necessarily needed. When the state of health of institutions can be monitored regularly, the lucrative opportunities for abuse of power and other manifestations of corruption such as unsupervised responsibilities, excessively wide discretion and limited accountability can be eliminated. Indicators can be developed to profile corruption-stricken institutions. ‘New patients’ receive inspiration from patients who are responding positively to treatment and living sustainable and fulfilling lives. For this reason, best practices can be used to develop strategies to ‘fight’ these diseases systemically. Since HIV/AIDS and systemic corruption have commonalities with organised crime, a further exploration of the connection between systemic corruption and organised crime is needed.

### **The connection between systemic corruption and organised crime**

Protection of, and by, powerful politicians and institutional elites in a culture where there is tolerance of corruption can extend such protection to include organised criminal groups in return for financial and non-financial favours. For example, Jackie Selebi, the former National Commissioner of the South African Police Service and Chief of Interpol, protected Glen Agliotti, a drug boss, insisting that Agliotti was his friend. When such a ‘corrupt relationship’ exists between formal and legitimate institutional leaders and organised crime bosses, organised crime penetrates the political power of the state (state capture) and creates what is called “a penetrated state”, even threatening national security (Klitgaard, 2008: 1). In some cases the state is not only penetrated by organised crime; political leaders take control of organised crime, transforming a penetrated state into a criminal and/or failed state, as happened in Somalia. Such a state is doomed for ‘death’, with the presence of terrorism, revolutions and military coups. Penetrated and criminal states with a high level of organised crime suffer symptoms of severe or systemic corruption. The symptoms of organised crime and its impact extend to high levels of smuggling of contraband, theft, violence and murder, making a penetrated state extremely difficult to rule in the absence of legitimate state institutions. International criminal groups such as the Italian, Indian, Israeli, Russian and Triad (Chinese) mafias are attracted to the protective climate or culture of systemic corruption. Contraband includes “Prohibited articles, illegal imports, illegal exports, smuggled goods, unlicensed goods” (Shepherd, 2006: 188). A penetrated state provides protection, a ‘safe haven’ for these mafias to operate with political and police protection (Sipho, 2009: 123-175).

There is a connection between systemic corruption, local organised crime, transnational organised crime and globalisation. Transnational criminal organisations (TCOs) are highly proficient, dynamic, mobile and have an entrepreneurial flair that enables them to operate across borders with only minor inconvenience. TCOs are transnational organisations par excellence. The Cali syndicate is perceived by some as the most successful transnational criminal organisation in the world (Williams, 1994: 96-113). Cali, a cocaine-based Latin American syndicate, expanded its product range to include heroin, which has a much higher profit margin than cocaine and other types of drugs, opening additional markets in Western Europe through Spain and Portugal, an indication of its innovativeness and entrepreneurial flair (Williams, 1994: 96-113). TCOs have many advantages over public sector institutions, such as being very flexible and ‘fluid’ network structures rather than having fixed bureaucratic structures; excellent intelligence and technology as opposed to uncoordinated intelligence and inadequate technology; not democratically accountable for their behaviour compared to increased global and local expectations of accountability; centrally coordinated syndicates



rather than multiple departments that are semi-autonomous; and one objective of maximising profit as opposed to multiple objectives, constituencies and agendas (Williams, 1994: 96-113; Buscaglia & Ratliff, 2005: 10). The 'fluid' network structures of TCOs enable 'webs of influence', which are far more effective than any formal structure in allowing criminals to exploit opportunities. Such networks are loose and temporary arrangements. The key to understanding criminal organisations is the 'network' concept. All networks have social value, i.e. networks in the labour market to get employment are as important as applicants' competencies, and neighbourhood networks can provide security and other social benefits of cooperation (Putnam, 2007: 137-138). Criminal networks are at the same time "pervasive and intangible, ubiquitous and invisible, everywhere and nowhere" (Williams, 2001: 64-65). Such networks cut through divisions of specialisation, rank, ethnicity, culture and wealth. These networks of social organisation enable illegal markets to be more efficient, reducing transaction costs and increasing opportunities for both buyers and sellers, upstream and downstream (e.g. drug trafficking). The (secret) network structure of TCOs enables them to neutralise law enforcement initiatives, and also to be sensitive to threats and opportunities (Williams, 2001: 74-75). The success of local criminal organisations and TCOs lies in their social organisation, the networks or webs of highly flexible and cross-cutting relations that can maximise opportunities and reduce risks. Social networks enable participants (including criminals) to achieve goals they could never achieve without such networks. Networks of social organisation create social capital. Al Qaeda is an excellent example of an organisation with a high level of social capital (Putnam, 2007: 138).

The integration of economies through trade (globalisation), the growth of global financial networks, technology and faster means of travel (air) and communication (e.g. the internet) are enabling transnational organised crime in, for example, its trade in drugs, wildlife, human organs, and women and children, as well as in money laundering, cyber-crime and terrorism. Williams (1994: 96-113) stated that "globalisation of international financial networks has facilitated the emergence of what is, in effect, a single global market for both licit and illicit commodities". Money made in the production and selling of drugs needs to be 'legalised' in order to enter the 'formal economy'. Such money is legalised through the buying of property and creating 'paper' or 'ghost companies' (money laundering). Some emerging economies become 'safe havens' for 'washing' the money of organised syndicates (e.g. Mexico). Once a state is perceived as 'penetrated', organised criminal groups deliberately attempt to undermine the functioning of the state. Organised crime becomes the institutional culture with its own

values, such as routine deception, and the rules of violence and ruthlessness. TCOs operate outside the formal and legal rules of states. They circumvent state policies.

In such a culture, where the institutions and the systems of the state are weakened, organised syndicates deliberately infiltrate strategic components, such as customs and excise (contraband), police (e.g. the Agliotti-Selebi case) and the procurement sectors. The procurement of armaments with the protection provided by the secrecy of defence tenders and large capital-intensive projects is a favourite area of lucrative benefits for individuals active in organised crime. As mentioned by Buscaglia and Ratliff (2005: 10), these strategic institutions are important, because the levels of organised crime and public sector corruption are determined by the quality of what they called “central state institutions”. Organised syndicates form ‘alliances’ to infiltrate and facilitate illegal production where costs are low and allow the advantage of local knowledge, as well as to cooperate rather than to compete with one another. Examples of such alliances between transnational syndicates include: the Sicilian and Italian mafia (cocaine and heroin), Nigeria and the Japanese *yakuza* (heroin), the Turkish and Danish mafia, and the Dutch and Turkish mafia. Such alliances are threats to national and international security, because they undermine the effective functioning of legitimate states. Alliances challenge state monopoly on controlling organised violence and can be more destabilising than terrorist groups (Williams, 1994: 96-113).

As a result of the devastating effect of organised crime in weakening states, the following question arises: Can citizens’ involvement in such activities be profiled? Some indicators or symptoms of citizens’ involvement in organised crime are as follows. First, the citizens’ living standards are far beyond their formal and legal occupations. Secondly, members do not want to take leave from the office, because they constantly have to ‘guard’ the intricate network of relations in their syndicates and keep ‘tabs’ or control over their competitors, who continuously change the rules of the game to outsmart each other in order to secure a monopoly. Thirdly, illegal organised businesses are taking over legal businesses with police protection. Fourthly, members act immorally and/or illegally but with impunity, because they either control the drivers of the system and/or they are protected by other members in the network in whose mutual interest it is to provide protection. These features do not only provide an indication of citizens’ possible involvement in organised crime, but they can also be an indicator that a state is in transition towards becoming a ‘criminal state’. Once organised crime monopolies are established, no competition is tolerated, creating uncertainty not only for potential competitors,

but also scaring investors away from such an insecure business climate. Such insecurity creates a negative cycle or recurring loop in that it attracts more TCOs.

An example to demonstrate the close and secret link between corruption and organised crime is the so-called Travelgate scandal in which the South African Police seized R1 billion of contraband, 83 members of parliament (MPs) pleaded guilty, 1 891 arrests were made and 1 305 investigations were finalised, making this one of the biggest, if not the biggest, corruption scandal in South African history (Sipho, 2009: 123-175). The scandal cost the taxpayer R26 million. Most MPs were from the ruling party, the African National Congress (ANC). Under President Zuma's leadership the ANC decided to halt the parliamentary investigation (Sipho, 2009: 213-214). This scandal caused unhappiness in the leadership of the ANC, because many MPs benefited from their connection with the contraband syndicates. The scandals of corruption and organised crime are not limited to contraband. International criminal groups such as the Italian, Indian, Israeli, Russian and Triad (Chinese) mafia are attracted to the protective climate or culture of systemic corruption. South Africa provides a 'safe haven' for these mafias to operate with political and police protection. South Africa is perceived as a penetrated state (Sipho, 2009: 123-175).

The nexus of systemic corruption, local organised crime, transnational organised crime and globalisation entails not only interconnectedness, but also interrelatedness and an interdependence. TCOs operational in drugs, prostitution and human trafficking are also contributing to the spread of HIV/AIDS. These syndicates, especially those that operate in states that have been penetrated and where systemic corruption is pervasive, entice poor and/or vulnerable women and children with very limited hope of a better future into prostitution and drugs. Such syndicates exploit the powerlessness of such women and children to make them dependent on these unsustainable and illegal activities that contribute to the spread of HIV/AIDS.

The next section provides conclusions and recommendations of the corruption metaphors and the nexus between system corruption and organised crime.

## **Conclusions and recommendations**

Corruption is a multifaceted phenomenon and some characteristics of its systemic nature, its culture and its manifestation as a social pathology can be described in terms of metaphors such as cancer and HIV/AIDS. The network structure of corruption as a social web/mess/knot can be described in terms of its manifestation as organised crime as evident in TCOs. Systemic corruption is dynamic, innovative, flexible and ever mutating (e.g. changes in the nature and scope of cyber-crime). TCOs do have numerous similarities with systemic corruption and do have considerable advantages over public sector institutions, for example, in terms of public accountability. Systemic corruption and organised crime are interrelated, interdependent and interconnected, and are mutually beneficial and reinforce recurring negative cycles of behaviour. If political leaders are connected with organised crime, they might even take control of organised crime, e.g. Somalia. When such a situation is created, such severe corruption of a state ensues that it can be labelled as a penetrated and/or failed state. Penetrated states attract organised crime syndicates to operate with government and police protection and the intimidation of legal businesses with devastating socio-economic costs.

The use of metaphors such as cancer/HIV/AIDS should be interpreted with caution, because this can be perceived as over-simplifying the nature and effects of corruption. This article attempted to provide a fuller understanding of the phenomenon of corruption, which is elusive and so difficult to define and describe; the nature of corruption also changes continuously, similarly to the way that mutations occur in cancers. It is recommended that institutions use the metaphors of cancer and HIV/AIDS to create awareness and understanding of the phenomenon of corruption. An increased awareness and understanding of corruption can contribute towards civic initiatives which demand action from politicians to reduce levels of corruption.

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