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CORRUPTION ISSUES IN JORDAN:
A PUBLIC FIELD SURVEY

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Preamble

Corruption is a complex and multifaceted phenomenon with multiple causes and effects, as it takes on various forms and functions in different contexts (see Annex 1: for theoretical perspectives and Annex 2: for conceptual definitions). The phenomenon of corruption ranges from the single act of a payment contradicted by law to the endemic malfunction of a political and economic system. Analysts have seen the corruption phenomenon either as a structural problem of politics or economics, or as a cultural and individual moral problem. The definition of corruption consequently ranges from the broad terms of “misuse of public power” and “moral decay”, to strict legal definitions of corruption; as an act of bribery involving a public servant and a transfer of tangible resources.

The Center for Strategic Studies (CSS) polls over the past decade have consistently shown that corruption is one of the three issues citizens believe the government should act upon immediately. According to Transparency International's 2005 Corruption Perceptions Index, Jordan ranked 37 with a score of 5.7 on a scale of zero to ten; with ten being clean and zero being highly corrupt. Iceland scored the highest at 9.7. The index defines corruption as the abuse of public office for private gain and measures the degree to which corruption is perceived to exist among a country's public officials and politicians. Only 159 of the world's 193 countries are included in the survey, due to an absence of reliable data from the remaining countries. Transparency International regards 5.0 as the threshold value for distinguishing those countries that do not have a serious corruption problem from those that do. Jordan's index score has improved from the 2004 index of 5.3.

CORRUPTION SURVEY 2006

During the period 7-21 October 2006, the CSS conducted a survey on the phenomena of corruption in the Jordanian public and private sectors. The survey aimed to explore the attitudes and perceptions of two sample groups of respondents (the public and the opinion leaders) to corruption; its significance and importance; its prevalence in government ministries, offices, formal institutions and public services establishments. It aimed to understand the respondents' evaluation of the role, performance and effectiveness of a number of institutions in the public sector and in civil society; in the areas of control, procedural follow-up and disclosure of corrupt practices- such as bribery, embezzlement, fraud, and favoritism/wasta. The survey tried to discern the attitude of the public toward tolerance or rejection of such corrupt practices.

The survey covered two sample groups. A random public (national) sample of 1148 people over the age of 18 were interviewed face-to-face in Jordan's 12 governorates (Amman, Balqa', Zarka, Madaba, Irbid, Mafraq, Jerash, Ajloun, Karak, Tafileh, Ma'an and Aqaba). The interviews were conducted in randomly selected homes, and the

respondents in each unit were also randomly selected. Following data collection and questionnaire screening, 1139 entries were tabulated and analyzed. The other sample in the survey consisted of 626 opinion leaders (leaders of political parties and trade unions, academics, writers and journalists, high-ranking officials, businesspeople and professionals) who were interviewed by phone.

The results of the 2006 survey were, as far as applicable, compared to those of a similar CSS field study on corruption in Jordan conducted in February 2002. That survey followed much the same methodology and covered a public sample of 1200 people in the country's 12 governorates.

THE CSS PUBLIC FIELD SURVEY ON CORRUPTION: Highlights of the Results

1. The majority of respondents in the public sample believed that corrupt practices (bribery, embezzlement, fraud, extortion/blackmail, favoritism/wasta and nepotism) exists to varying degrees in the government/public sector (nearly 65%) and in the private sector (52%). A smaller proportion (12%) denied the existence of corruption in the public sector, but the respective percentage of the sample's perception is twice as much at (24%). In contrast, nearly (60%) of the public sample of the 2002 survey thought that corruption prevails in the government sector. , Larger proportions of the opinion leaders expressed the view that corruption prevails in the public sector (75%), and the private sector (64%).
2. The overall results of both surveys suggest that the public looks with much reserve and little optimism at the prospects of delimiting corruption with in the foreseeable future. In their appraisal of the achievements during the last three years, the public and the opinion leaders respondents, , expressed the view that during the last three to four years corruption has increased (46%), decreased (19%), remained unchanged (21%), or they do not know (13%). Nearly 47% said the practice had risen in the private sector.
3. From the national sample, the incidence of corruption was perceived to be nearly equal in both the public and the private sectors. The data shows that 46% said that corruption in the public sector had increased. As for the next three years, 46% predicted that the incidence of corrupt practices would increase with in the government circle. This is a 16% increase since the 2002 poll, where 32% of respondents predicted that corruption would increase with in the government circle.
4. Half of the respondents believed that poverty is the major cause of prevalent corruption in the public sector, where as only 41% believed this to be the case in the private sectors.. About 17% attribute corrupt practices to the conduct of senior officials in the government, and 12% to weakness of the judiciary and law enforcement agencies.

5. Opinion leaders identified a weak judiciary as the main reason for corruption practices, followed by the actions of senior officers in both sectors and lack of institutionalization in public and private companies. Poverty ranked fourth. The national and opinion leaders' samples both accused senior public and private sector officers of spreading corruption the most, followed by politicians and businessmen.
6. The spread of the different corruption practices in the various public institutions is differentially assessed by the rounded up averages of the survey respondents in both the public and the opinion leaders sample: 82% for favoritism and wasta, 80% for the abuse of government/public position, and less than 50% for embezzlement, fraud and blackmail respectively.
7. The corruption practices that are most harmful and damaging in the public sector are, on average: bribery 66%, favoritism and wasta 64%, the abuse of government/public position 61%, fraud 58%, embezzlement 57%, and blackmail 45%.
8. According to 51% of the opinion leaders, favoritism and wasta in the private sector enjoys a large measure of tolerance – or social acceptance. In the public view, this measure of social tolerance is at its lowest in the cases of fraud, embezzlement, extortion and bribery.
9. Attitude of the respondents varied toward the performance and effectiveness of a number of public and non-governmental bodies in the fight against corruption. About 63% highlighted the effective role of the Anti-corruption Department, followed by the Accounting Bureau 56%, the local media 44%, the NGOs 27%, and the House of Deputies 26%.
10. It is worth-mentioning that in the 2002 survey, and just before the case of the "Banking Facilities" issue, over one third 35% of the respondents had not heard of the Anti-Corruption Department (ACD), which had been established six years ago. In 1996 or in 2000???? Those who were aware of the existence and activities of the ACD amounted to 50% of the sample. However, they expressed different views in appraising its performance in fighting the various forms of corruption with in the country. About 45% of them believe that the ACD succeeded only in fighting small cases of corruption, and 40% in medium corruption issues and another 40% believe that the Department succeeded in handling case of significant corruption practices. The majority of the respondents in that survey held a negative view of the performance of almost all of the bodies, in government and in civil society alike, that were supposed to stand against and curb serious corruption practices in the country. In the public perception, the Parliament and the NGOs were noted as the most deficient bodies in fighting corruption in the public sector.

11. The government this year initiated legal proceedings against four major entities in connection with alleged acts of corruption. It referred the Jordan Magnesia Company, the Islamic Centre Charity Society, the General Union for Voluntary Societies, and former and present officials of the Ministry of Municipal Affairs to the Prosecutor General for investigation. Results of the CSS poll showed that three quarters of the respondents from the survey's national sample said that they had not heard of or were unaware of any cases of alleged corruption being examined by the authorities. Although four major cases of alleged corruption have been referred to the Prosecutor General, only 25% of the national sample respondents said they knew of the government's measures. Of those 25%, 38% could not name any of the four cases.
12. As for the recent legislative moves to ensure integrity and transparency in the public sector, about 45% of the national sample respondents reported knowledge of the Anti-corruption Law, but only 16% were aware of the Asset Disclosure Law – both lately endorsed by the Parliament. The large majority of those who new said that the two laws would be very instrumental in fighting corruption in the country.
13. The majority of opinion leaders 85%, on the other hand, said they were aware that the government referred cases to the Prosecutor General, and only 12% said they were unaware of these actions. Asked if they could name the cases, 68.2% mentioned the Ministry of Municipal Affairs' case that implicates a former minister for authorizing the purchase of used compressors and sanitation equipment for around JD4.5 million. The purchase was allegedly made despite the fact that the required equipment specifications were not met. Most respondents said they were aware of the other cases only after being prompted by the pollsters.

ANNEX (1)

THEORETICAL FRAMEWORK

Perspectives in the literature on corruption have been “multi-disciplinary” and dispersed, ranging from universal theoretical modeling to detailed descriptions of single corruption scandals. It has been studied as a problem of political, economic, cultural or moral underdevelopment, or more frequently as something in between. The complex nature of corruption has made most observers agree that it pervades many societies and that there are no quick-fix solutions. The “Source Book” of Transparency International for example maintains that public programmes, government reorganization, law enforcement, public awareness and the creation of institutions to prevent corruption, are but elements in a long-term process. The process needs to be supported from above and below and calls for attitude changes need to be present at all levels. Furthermore, it has been noted that corruption does not disappear as countries develop and modernize, but rather that corruption takes on new forms.

Economic and political competition, government transparency and accountability, coupled with the democratic principles of checks and balances, are necessary instruments to restrict corruption and the abuse of power. Most of these mechanisms are largely the same instruments suggested for consolidating and enhancing democratic rule and “good governance”.

The decisive role of the state is reflected in most definitions of corruption, which is usually delineated as a particular (and, one could say, perverted) state-society relationship. Corruption is conventionally understood, and referred to, as the private wealth-seeking behavior of someone who represents the state and the public authority. It is the misuse of public resources, by public officials, for private gains, or the abuse of public power for private benefit (or profit). Corruption may exist in the ‘gray area’ - at the interface of the public and private sectors - as a transaction between private and public sector actors, through which collective goods are illegitimately converted into private payoffs.

An updated version of the concept with the same elements identifies corruption as behavior that deviates from the formal rules of conduct governing the actions of someone in a position of public authority because of private and interchangeable motives such as wealth, power, or status.

The literature makes a clear distinction between corruption in economic terms and corruption in social terms. Economic corruption takes place in a market-like situation and entails an exchange of cash or material goods, which is the basis of corruption. This is a strict definition of corruption, reflected in the regulations that stipulate limits to what amounts can be “given” to a public official before it is considered a bribe. Transfers, however, are not only in cash or other tangibles, since an exchange may take place in a social setting with a number of cultural and moral meanings.

From this sociocultural perspective, some main forms or manifestations of corruption can be identified. For pragmatic research purposes, the working definitions may be used and applied in the Arab/Islamic cultural contexts (including Jordan) and, indeed, in similar socio-cultural environments in the Less Developed World.

In terms of public perception field surveys, these 'corrupt practices' were structured in a questionnaire form, operationalized, explored, documented, measured and analyzed. The main 'practices' considered by the Centre for Strategic Studies - Jordan University in this survey were: Bribery, Embezzlement, Fraud, Extortion, Favoritism and Nepotism (the last two are broadly defined as 'Wasta'). As shown in Annex (B), the concepts, and their Arabic equivalents, are more or less clearly defined. The survey questions, presented the respondents with examples of such practices to evaluate and appraise.

ANNEX (2)

CONCEPTS AND DEFINITIONS

"Bribery" [rashwah] is the payment (in money or kind) that is given or taken in a corrupt relationship. To pay or to receive a bribe is corruption per se, and should be understood as the essence of corruption. A bribe is a fixed sum, a certain percentage of a contract, or any other favor in money or kind, usually paid to a state official who can make contracts on behalf of the state or otherwise distribute benefits to companies or individuals, businessmen and clients.

There are many equivalent terms to bribery, like [rashwah, barteel, ikramiyyah, baksheesh,] kickbacks, gratuities, "commercial arrangements", sweeteners, pay-offs, speed-and-grease money, which are all notions of corruption in terms of the money or favors paid to employees in private enterprises, public officials, and politicians. These are payments or returns, needed or demanded, to make things pass more swiftly, more smoothly or more favorably through the state or government bureaucracies. By "greasing palms" corporations and business interests can for instance buy political favors and escape the full burden of taxation and environmental regulations, they can buy protected markets and monopolies, import/export licenses and quotas, and get access to large state contracts on capital goods, ongoing supplies, major civil engineering projects, construction works, and so on.

"Embezzlement" [Ikhtilas, Sariqah] is theft of resources by people who are responsible for administrating it; it is when disloyal employees steal from their employers. This is a serious offense when public officials are misappropriating public resources, when a state official steals from the public institution in which he or she is employed and from the resources that he is supposed to administer on behalf of the public. Embezzlement is not considered as corruption from a strict legal point of view, but is included in the broader definitions. In legal terms, corruption is a transaction between two individuals, one state agent and one "civilian", where the state agent goes beyond the limits of the law and regulations in order to secure himself a personal benefit in the form of a bribe. Embezzlement is regarded as theft because it does not involve the "civilian" side directly. The general public is deprived when public funds are embezzled, but no individual property is stolen and individual citizens are bereft of legal recourse..

"Fraud" [Tazweer, Khidaa', Ghish] is an economic crime that involves some kind of trickery, swindle or deceit. Fraud involves a manipulation or distortion of

information, facts and expertise, by public officials positioned between politicians and citizens, who seek to draw a private profit. Fraud is when a public official (agent), who is responsible for carrying out the orders or tasks assigned by his superiors (principal), manipulates the flow of information to his private profit; hence the widely used principal-agent or incentive theory employed by economists to study this phenomenon. Fraud is also a broader legal and popular term that covers more than bribery and embezzlement. It is fraud for instance when state agencies and state representatives are engaged in illegal trade networks, counterfeiting and racketeering, and when forgery, smuggling and other organized economic crime is supported by “official” sanction and/or involvement. It is fraud when politicians and state agents take a share for closing their eyes to economic crimes, and it is serious fraud when they have an active role in it.

“Extortion/Blackmail” [Ibtizaaz/Khawa] is money and other resources extracted by the use of coercion, violence or the threat of force. Blackmailing and extortion are corrupt transactions where money is violently extracted by those who have the power to do so, but where very little is returned to the “clients” (perhaps only some vague promises of exception from further harassment). “Protection” or “security” money can be extorted in the classical, well-known mafia style, where organized criminals use insecurity, harassment and intimidation to extort money, (or ‘Khawa’) from individual citizens, private businesses and public officials.

“Favoritism/Cronyism/ Clientelism” [Mahsoubiyyah] [Wasta] is a mechanism of power abuse implying “privatization” and a highly biased distribution of state resources, no matter how these resources have been accumulated in the first place. In popular jargon , on occasion, in official discourse, the term “wasta” is mistakenly and loosely used to indicate all kinds and forms of corrupt practices, such as bribery, embezzlement, fraud and nepotism. Favoritism is the natural human proclivity to favor friends, family and anybody close and trusted, without proper regard to merit or professional standards or legal legitimacy. It is the penchant of state officials and politicians, who have access to state resources and the power to decide upon the distribution of these and to give preferential treatment to certain people. Clientelist favoritism is the rather everyday proclivity of most people to favor their own kin (family, clan, tribe, ethnic, religious or regional group or friendship cliques). Favoritism or cronyism is for instance to grant an office to a friend or a relative, regardless of merit. It is a basic political mechanism in many authoritarian and semi-democratic countries. In most non-democratic systems, the head of state has for instance the constitutional right to appoint all high-ranking positions, a legal or customary right that extends the possibilities for favoritism. It may easily add up to several hundred positions within the ministries, the military and security apparatus. The same process is introduced or activated in the parastatal and public companies, in the diplomatic corps and with in the ruling party.

“Nepotism” [Muhabah] is a special form of favoritism, in which an office holder (ruler) prefers his proper kinfolk and family members (wife, brothers and sisters, children, nephews, cousins, in-laws etc.). Many unrestricted heads of state have tried to secure their (precarious) power position by nominating family members to key political, economic and military/security positions in the state apparatus.