
PROCEEDINGS OF THE

**Tenth Conference
of Heads of
Anti-Corruption Agencies
in Commonwealth Africa**

7–9 September 2020



The Commonwealth

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Preface

Now in its tenth year, the annual Heads of Anti-Corruption Agencies Conference acts as a focal point for the anti-corruption agencies network. The conferences provide a forum for peer learning among heads of anti-corruption agencies. The heads also peer review country anti-corruption reports and share transferable experiences. Previous conferences were held in Botswana in 2011, Zambia in 2012, Mauritius in 2013, Ghana in 2014, Tanzania in 2015, Namibia in May 2016, Malawi in 2017, Nigeria in 2018 and Uganda in 2019. In 2020, the Heads of Anti-Corruption Agencies in Commonwealth Africa Conference was scheduled to be held in Rwanda but was postponed to 2021 due to COVID-19.

However, the Commonwealth Secretariat organised a three-day virtual Conference of Anti-Corruption Agencies in Commonwealth Africa from 7 to 9 September 2020. Various country heads of anti-corruption bodies presented country reports during the conference. There were also various expert presentations from representatives of bodies such as the Commonwealth Secretariat, the United Nations Office on Drugs and Crime (UNODC), Transparency International, the African Development Bank, the World Bank, Grant Thornton UK LLP and Fair Financial Investigations in the USA.

The conference theme — 'Assessing Anti-Corruption and Asset Recovery Efforts in Africa' — is timely and topical. It is ten years to when the UN Sustainable Development Goals (SDGs) are to be achieved as part of the 2030 Agenda. SDG 16 incorporates specific targets that relate to reducing corruption, bribery and illicit financial flows. The conference provided a timely assessment of the progress that African countries have made towards the realisation of SDG 16.

Contents

Preface	iii
Abbreviations and Acronyms	vii
Message from the Secretary-General of the Commonwealth	ix
Introduction	xv
DAY 1: 7 September 2020	1
Day 2: 8 September 2020	14
Day 3: 9 September 2020	29
Annex 1: Programme	39
Annex 2: List of Participants	44
Annex 3: Chairperson and Speaker Biographies and Profiles	46
Annex 4: Papers and Country Reports	60

Abbreviations and Acronyms

ACB	Anti-Corruption Bureau (Malawi, Mozambique)
AfDB	African Development Bank
AID	assets and interests declaration
CAPAR	Common African Position on Asset Recovery
CHRAJ	Commission on Human Rights and Administrative Justice (Ghana)
CPI	Corruption Perception Index
CSOs	civil society organisations
DCEC	Directorate of Corruption and Economic Crimes (Botswana)
DCEO	Directorate on Corruption and Economic Offences (Lesotho)
DoA	declaration of assets
EACC	Ethics and Anti-Corruption Commission (Kenya)
EFCC	Economic and Financial Crimes Commission (Nigeria)
ICAC	Independent Commission Against Corruption (Mauritius)
ICPC	Independent Corrupt Practices and Other Related Offences Commission (Nigeria)
ICT	information and communication technology
IFF	illicit financial flows
MDBs	multilateral development banks
NACC	National Anti-Corruption Commission (Cameroon)
PCCB	Prevention and Combating Corruption Bureau (Tanzania)
SADC	Southern Africa Development Community
SDG	Sustainable Development Goal
SIU	Special Investigation Unit (South Africa)
UNCAC	United Nations Convention Against Corruption
UNODC	United Nations Office on Drugs and Crime

Message from the Secretary-General of the Commonwealth

Your Excellency, honourable ministers, distinguished delegates, Commonwealth friends and colleagues...

Corruption leading to illicit financial flows costs developing countries US\$1.26 trillion per year.

This is enough money to lift above the poverty threshold the 1.4 billion people who get by on less than US\$1.25 a day and to keep them there for at least six years.

Hospitals and healthcare systems are battling to be able to afford basic necessities, including equipment such as the ventilators needed to cope with the present pandemic, and the cost of each lifesaving machine has been put at between US\$25,000 and US\$50,000.

Even at that highest figure, eliminating the annual cost of corruption to the global healthcare sector would be enough to pay for 10 million of these critical pieces of equipment.

Every US\$100 million lost to corruption could fund full immunisations for 4 million children or provide water connections for some 250,000 households.

Transparency International states that corruption costs the health sector US\$500 billion every year.

This is more than the amount needed for worldwide universal health coverage.

This staggering figure is based on normal times.

Right now, we are in extraordinary times and the threats posed by corruption are even more acute.

While we tend to think of corruption in purely monetary terms, the truth is that it costs us the quality of our lives.

We face multiple and multifaceted threats, which exploit vulnerabilities and undermine resilience.

We can all see the dramatic effects of climate change on fortunes in Africa include flooding, drought, change in distribution of rainfall, drying up of rivers, abnormal sea-walling of Rift Valley lakes, locust invasion, and energy production and consumption.

Our African region, just like other regions of the Commonwealth, is confronted with the triple impact of the pandemic, climate crisis and potential economic catastrophe as a result of lockdown.

As we mobilise to adapt to climate change and to withstand its impacts and those of the natural disasters, which bring devastation to our continent, there is this invisible infection which the world must continue to fight.

We have, over the past couple of months, confronted a heart-breaking reality not of our own doing or making.

The coronavirus COVID-19 has swept across the world, infecting hundreds of thousands of people and with tens of thousands of lives lost.

The lockdown, which protected lives over economic activity, has resulted in a serious shrinking of economies, particularly by undermining the productive sectors.

I am deeply saddened by the tragic loss of life and unprecedented suffering faced by people throughout the Commonwealth.

However, I am also deeply grateful and encouraged by the manner in which many African nations have responded.

In addressing the pandemic, Africa has been at the forefront of innovation: from locally manufactured facemasks, PPE [personal protective equipment] production, to scientific research into a COVID-19 cure.

For instance, Ghana's Noguchi Memorial Institute for Medical Research has sequenced the genome of COVID-19 in Ghana and a number of factories are now producing facemasks and other PPEs.

I also salute the resourceful ways in which Commonwealth citizens from all walks of life are fighting the pandemic. I am sure we all join in expressing gratitude and support to all who work at the frontline of healthcare and maintaining essential services, as they continue to strive to support our communities and help fight the pandemic.

As in other regions of the Commonwealth, governments, local communities, public sector workers, businesses and civil society organisations have mobilised to protect healthcare systems and to support one another.

Alongside the need for immediate response, we have to maintain our commitments to health, nutrition and other essential services such as water, sanitation and hygiene, which are integral to good health and well-being.

Only by doing so, will we build greater resilience and achieve sustainability, enabling us to reduce the risk of future shocks and accelerate progress towards fulfilment of the Sustainable Development Goals.

It is at times such as this, when humanity is obliged to reflect, when countries have been shut down, borders are closed, and flights have been suspended, that we rediscover the importance of our Commonwealth family, friendship, companionship, patience and generosity.

We need to acknowledge that the true value of our Commonwealth is linked to our common health, our common lives and common values.

Much like the coronavirus, the corruption virus strikes with no regard for borders, race, politics or religion.

And, like the illness that countries are so desperately battling, corruption causes a huge human and financial cost, putting the most vulnerable at risk.

Corrupt money associated with bribes received by public officials from developing and transition countries is estimated at US\$20 billion to US\$40 billion per year — a figure equivalent to 20 to 40 per cent of flows of official development assistance (ODA).

In Africa alone, corruption is estimated to cost over 148 billion US dollars per annum.

We can expect that fraud, bribery, theft and other criminal practices will rise as people seek to exploit this terrible situation for their own immoral gain.

Health services, many of them already overstretched and with sparse resources, are trying to cope with unprecedented demand.

They are under extreme pressure to provide equipment and medicines.

There is a desperate need to fund the development and provision of treatments and vaccines.

There is intense strain on human resources and processes.

All of these and multiple other factors create an environment which is ripe for embezzlement, false claims, kickbacks and other forms of corruption that can undermine efforts to defeat this deadly virus.

Corruption is a serious crime, which undermines social and economic development in all societies.

No country, region or community is immune. Indeed, corruption is one of the major impediments to achieving the Sustainable Development Goals.

The amount of money lost globally through corruption is equal to the total amount of money needed to successfully implement the SDGS.

Therefore, the theme for this conference is as urgent as it is appropriate: 'Assessing Anti-Corruption and Asset Recovery Efforts in Africa'.

It is ten years to when the UN Sustainable Development Goals are to be achieved as part of the 2030 Agenda. SDG 16 incorporates specific targets relating to reducing corruption, bribery and illicit financial flows.

This conference will therefore provide a timely assessment of what progress has been made in Africa.

By sharing knowledge of what has worked, and understanding better what has not, we encourage each other to move in positive directions.

By offering practical guidance and support, we are able individually and collectively to hasten beneficial change.

That is the value of Commonwealth collaboration, and of the practical action that flows from regular and focused regional interaction such as that being undertaken at this conference.

And it is the reason that the Commonwealth has been so active in providing practical technical assistance and development support for national anti-corruption agencies to build their effectiveness in dealing with corruption.

With your active engagement and support, this network continues to promote collaboration and exchange of best practice among member countries and practitioners.

Our Commonwealth anti-corruption work programme demonstrates our collective determination to eradicate this scourge, and it has achieved a global recognition, notably as recipient of the 2018 International Anti-Corruption Excellence Award.

In Africa, Commonwealth countries are perceived as less corrupt than non-Commonwealth countries, with respective Corrupt Perceptions Index scores as assessed by Transparency International.

I applaud the fact that eight or nine out of ten of the best performing countries in Africa are on the above-mentioned index. In addition, the Mo Ibrahim Index of African Governance continues to be led by Commonwealth members.

The Secretariat has been highly praised by many of you. I have received wonderful testimonies from Seychelles, Mauritius, Kenya, Rwanda, Cameroon, Tanzania, Uganda, Sierra Leone, Nigeria and several others. I want to thank Dr Roger Koranteng for the wonderful support his unit has given you all.

I am delighted to report the Commonwealth Secretariat responded to the need for a simple pan-Commonwealth tool to provide practical guidance on clear steps that can be taken to promote integrity and combat corruption – within government, and in private sector organisations.

Through a consultative process with member countries, we have developed Commonwealth Anti-Corruption Benchmarks. Many of you provided most valuable feedback on an early draft of the benchmarks.

The package consists of a set of 22 benchmarks, covering topics from sanctions for corruption offences to investigating and prosecuting authorities, and from political lobbying to disclosure of asset ownership.

Each benchmark is defined by a principle stated at a high level and contains detailed guidance for meeting the level of achievement set by the principle.

The principles and guidance are consistent with international standards and go further in covering other areas of concern not previously addressed.

Indeed, this Commonwealth package is the first document of which we are aware that connects all the areas of public and private conduct covered by our 22 benchmarks.

Although designed to be achieved nationally, compliance with the benchmarks can also be demonstrated by private sector organisations.

They are designed to support governments to achieve transparency and good governance in very practical and concrete areas.

The Commonwealth SDG Implementation Toolkit supports countries with policy gap analysis, and with integrating SDG planning into national development agendas, and tracking and monitoring results.

In tackling corruption to curtail its menace, twenty-first century technologies such as blockchain and big data offer new weapons against these devastating practices.

Blockchain, also known as distributed ledger technology, has been adapted for a variety of uses.

For example, blockchain can serve simultaneously as a means of exchange — of money or of information — and a database which automatically registers transactions. Records, such as financial transactions, will be visible to the public and yet cannot be altered.

The technology makes it possible to aggregate data on government spending and contracting and to analyse it for signs of waste, fraud and corruption.

It could be used to identify patterns of corrupt practices such as 'whose brother-in-law got too many contracts'.

Ladies and gentlemen, bearing in mind the foreseeable effects of the present devastating pandemic and taking into consideration the close ties we all share through our related legal systems; the Commonwealth Secretariat has launched the COVID19 Business Law Response Initiative – commonly known as COBULRI.

This provides assistance to our member countries by offering measures and solutions which can be readily contextualised to specific national needs and circumstances in

order to protect livelihoods and help economies recover, at a time when the resources of many of our member countries are stretched to breaking point.

Using such innovation and building on the goodwill and understanding we are so fortunate to enjoy, there is immense potential and rich opportunity for us to work together in hope and harmony to bring wholeness and health to our Commonwealth.

I would particularly encourage you to make use of the Commonwealth Innovation Hub, which is a powerful means of sharing and accelerating adoption of new tools and techniques.

In commending that facility to you, I wish you to continue success in your collegial co-operation.

I am optimistic that Commonwealth Africa will be turning the tide against corruption with the further progress you are making through the work of your Anti-Corruption Agencies.

As we continuously evaluate our progress towards achieving SDG 16 in Africa, I strongly applaud your commitment to upholding and deepening the campaign for integrity and against corrupt practices by involving everyone and engaging with everyone.

Finally, Excellency, ladies and gentlemen, most of the systems are in place. I am sure that this conference will offer you all a wonderful platform to share experiences and knowledge. We are happy to help in whichever way possible. What is required is for each and every one of us to take swift and decisive action to implement the lessons learnt, fight impunity, and improve transparency and accountability. Decisive and heroic action is the only way forward, and one day, not too distant from today, Africa will be corruption-free.

Thank you.

Introduction

The Commonwealth Secretariat's Public Sector Governance Unit organised a three-day virtual Commonwealth Regional Meeting of Anti-Corruption Agencies in Commonwealth Africa from 7 to 9 September 2020, both days inclusive.

The conference's chairperson was HE Papa Owusu-Ankomah, Ghana's High Commissioner to the United Kingdom and Ireland.

The theme of the conference was 'Assessing Anti-Corruption and Asset Recovery Efforts in Africa'. The conference started on 7 September 2020, with welcome remarks by Prof. Luis Franceschi, the Commonwealth's Senior Director for Governance and Peace. The Right Honourable Patricia Scotland, the Secretary-General of the Commonwealth Secretariat, gave the keynote address and officially opened the conference. Other key speakers at the conference included heads of anti-corruption agencies in various countries in Commonwealth Africa. There were also expert speakers from various bodies, including the Commonwealth Secretariat, the World Bank, the African Development Bank, the United Nations Office on Drugs and Crime, Grant Thornton UK LLP and Fair Financial Investigations in Canada.

Conference objective

The overall objective of the conference was to take stock of the anti-corruption and asset recovery efforts in Africa.

The specific objectives of the conference were:

1. To facilitate peer learning among heads of various heads of anti-corruption agencies in different African countries, particularly regarding anti-corruption and asset recovery efforts.
2. To discuss and facilitate peer review of country reports on anti-corruption and asset recovery efforts.
3. To identify best practice and 'what works' frameworks for anti-corruption and asset recovery efforts in African countries.

Expected results/outcomes

The expected results from the conference included:

1. Establishing the status of anti-corruption and asset recovery efforts in various African countries, and existing or emerging challenges to these efforts.
2. Identification of solutions to various challenges African countries face in their anti-corruption and asset recovery efforts.
3. Development of new strategies, refinement of existing strategies, and sharing of new approaches to sustain the momentum on anti-corruption and asset recovery efforts by African countries.

The conference fully met its objectives and achieved the expected results and outcomes.

DAY 1: 7 September 2020

Opening remarks

Dr Roger Koranteng, Head of Public Sector Governance at the Commonwealth Secretariat, gave the opening remarks. It being the first time the conference was being held virtually, he discussed the modalities of the virtual conference. He concluded his address by introducing Prof. Luis Franceschi, Senior Director, Governance and Peace at the Commonwealth Secretariat, to make his remarks.

Remarks by Prof. Luis Franceschi, Senior Director for Governance and Peace at the Commonwealth Secretariat

Prof. Franceschi welcomed the attendees to the webinar and explained the purpose of the Secretariat's Governance and Peace Directorate vis-à-vis the fight against corruption. He noted that the global cost of corruption to the global economy was estimated at US\$3.6 trillion every year, while the global proceeds from criminal activities every year were estimated at US\$1 to 1.6 trillion. He noted that the Secretariat had received many positive stories from member countries on the fight against corruption and recovery of assets. He noted that the webinar provided a great opportunity for sharing experiences regarding the anti-corruption and asset recovery efforts in various countries. He encouraged anti-corruption practitioners to keep going in the fight against corruption. He concluded his remarks by inviting the session chairperson, HE Papa Owusu-Ankomah, Ghana's High Commissioner to UK and Ireland, to make his remarks.

Remarks by HE Papa Owusu-Ankomah, Ghana High Commissioner to UK and Ireland

HE Papa Owusu-Ankomah underscored the importance of the fight against corruption for Africa and noted that the conference theme, 'Assessing Anti-Corruption and Asset Recovery Efforts in Africa', was relevant and timely. He discussed the negative effects of corruption, noting that it disproportionately affected the poor and undermined the government's ability to provide basic services, and promoted inequality and injustice. He emphasised that there was a compelling urgency to fight corruption in Africa. He further decried Africa's poverty, economic growth challenges and development, despite Africa being endowed with natural resources such as diamonds, gold, phosphates and cobalt, among others.

He noted that despite the setting up of structures to fight corruption in Africa, complacent officials and the lack of political will negatively impacted the anti-corruption fight. However, he noted that some African countries, particularly Commonwealth African countries, had attained some modest achievements in the anti-corruption fight, but that much more needed to be done to sustain the effort. He noted that the political will was critical, and that corruption must be tackled holistically by measures such as building institutions, providing resources, assuring the independence of anti-corruption institutions and building organisational integrity, among others.

He concluded his remarks by inviting Dr Roger Koranteng to give an overview of the conference.

Remarks by Dr Roger Koranteng

Dr Koranteng noted that the Commonwealth Heads of Government Meeting (CHOGM) mandate obliged the Commonwealth Secretariat to support member countries to develop and adopt measures and strategies to combat corruption and improved governance. He noted that to achieve this objective, the Commonwealth Secretariat prioritised anti-corruption work to strengthen good governance through corruption prevention, thereby promoting accountability and integrity in the Commonwealth. He stated that accordingly, the Commonwealth Secretariat supported in-country inter-agency collaborative approaches to deal with issues of corruption by mobilising all key institutions and other stakeholders involved in monitoring, detecting and responding to corruption-related issues.

He further noted that following years of in-country work, the Commonwealth Secretariat decided in 2011 to establish a practitioners' network of heads of anti-corruption agencies in Commonwealth Africa, referred to as the Association of Anti-Corruption Agencies in Commonwealth Africa, whose main objective was to broker the exchange of knowledge, skills, ideas and best practice among member countries, and to encourage the sharing of expertise in areas where they have a comparative advantage. He further stated that this led to the institutionalisation of annual Commonwealth anti-corruption conferences. These acted as a focal point for anti-corruption agencies by providing forums for the heads of countries' anti-corruption intuitions to peer review country anti-corruption reports and share transferable experiences and peer learning.

He stated that meetings had been held annually since 2011 and that the 2020 conference was scheduled to be held in Rwanda, but had been postponed due to the COVID-19 pandemic. However, he noted that in keeping with what had become the new normal due to the COVID-19 pandemic, the conference was being held virtually.

On the conference modalities, he stated that the anti-corruption agencies would present country reports and that there would be expert presentations and speakers from various organisations. These included the Commonwealth Secretariat, United Nations Office on Drugs and Crime (UNODC), Transparency International (TI), the African Development Bank (ADB), the World Bank, Grant Thornton and Fair Financial Investigation USA.

He noted that the technical sessions were where the conference business would be conducted. These comprised country reports and expert presentations, as well as networking both during and outside of the sessions. He stated that in the three following days, attendees would have opportunities to listen to country reports, as well as specific topics on asset recovery, anti-corruption assessment, deploying blockchain to combat corruption, asset declaration, financial investigation, prosecution of anti-corruption cases, integrity and public accountability, corruption and political stability, and deploying restitution for asset recovery, among others.

He concluded his remarks by describing a portrait of corruption and making an urgent call for governments to strengthen and resource anti-corruption bodies to make them fit for purpose to combat complex and sophisticated corruption practices in the twenty-first century. He subsequently invited the session chairperson, HE Papa Owusu-Ankomah, to introduce the Secretary-General, the Right Honourable Patricia Scotland QC, to give the keynote address and officially open the conference.

The Keynote Address by the Right Honourable Patricia Scotland, the Secretary-General of the Commonwealth

The Right Honourable Patricia Scotland, the Commonwealth's Secretary-General, enumerated the economic and social cost of corruption, especially in light of the COVID-19 pandemic. She detailed the impact of corruption on poverty and healthcare and how COVID-19 had laid bare the cost of corruption, particularly to countries with weak health systems. She highlighted some key figures, including the fact that every US\$100 million lost to corruption could fund full immunisation for 4 million children or produce water connections for some 250,000 households. She stated that corruption cost people the quality of their lives by exacerbating the multiple and multifaceted threats which people faced, exploiting their vulnerabilities and undermining their resilience.

She highlighted the manifestation of the impact of climate change in Africa, and noted that like other Commonwealth regions, the Commonwealth Africa region was confronted with the triple impact of the pandemic, climate crisis and potential economic catastrophe as a result of lockdowns. Accordingly, she stated that even as people mobilised and adapted to climate change and withstood its impact and those of the natural disasters which brought devastation to Africa, the world needed to continue fighting COVID-19.

While expressing her grief over the loss of life and suffering caused by the COVID-19 pandemic, she also expressed her gratitude and drew encouragement from the way many African countries had responded to the pandemic, from locally manufacturing PPE to scientific research. She highlighted the Commonwealth's work in supporting countries fight the pandemic, noting that alongside the need for immediate responses, there was a need to maintain the commitment to healthy nutrition and other essential services, such as water sanitation and hygiene, which are integral to good health and wellbeing. She stated that only by doing so, would it be possible to build great resilience and achieve sustainability, enabling the world to reduce the risk of future shocks and accelerate progress towards the fulfilment of the Sustainable Development Goals.

She stated that, like the coronavirus, the corruption virus struck with no regard for borders, race, politics or religion and that, like the coronavirus, corruption caused a huge human and financial cost, putting the most vulnerable at risk. She noted that corruption money associated with crimes received by public officials in developing and transition countries, was estimated at between US\$20 billion to 40 billion per year, a figure equivalent to 20 to 40 per cent of flows of official development assistance. She stated that in Africa alone, corruption was estimated to cost more than US\$148 billion per annum and that one could expect that fraud, bribery, theft and other criminal practices would rise as people sought to exploit the pandemic for their own immoral gain. She further remarked that health services, many of which were overstretched and with sparse resources, were trying to cope with unprecedented demand. This, combined with other multiple factors, created an environment that was ripe for embezzlement, false claims, kickbacks and other forms of corruption that could undermine efforts to defeat the deadly coronavirus.

She noted that corruption was one of the major impediments to achieving the Sustainable Development Goals (SDGs), noting that the amount of money lost globally through corruption was equal to the total amount of money needed to successfully implement the SDGs. Accordingly, she stated that the conference theme, 'Assessing Anti-corruption and Asset Recovery Efforts in Africa', was as

urgent as it was appropriate, noting that it was ten years to when the SDGs were to be achieved as part of the 2030 Agenda. She stated that SDG 16 incorporated specific targets related to reducing corruption, bribery and illicit financial flows, and that the conference would provide a timely assessment of the progress that Africa had made.

She noted that in the 2020 fiscal year, more than US\$4 million had been recovered by the collective efforts of the seven members of the Commonwealth Africa region alone, while more figures were still being collated from all other Commonwealth Africa countries. However, she cautioned against complacency, noting that there was more to be done. She stated that by sharing knowledge of what had worked and understanding better what had not, anti-corruption practitioners encouraged each other to move in positive directions. She stated that by offering practical guidance and support, anti-corruption practitioners were able individually and collectively to hasten beneficial exchange. She noted that this was the value of Commonwealth collaboration and of the practical action of close regular end-focused regional interaction, such as that undertaken at the conference. She further stated that that was why the Commonwealth had been active in providing technical assistance and development support for national anti-corruption agencies to build their effectiveness in dealing with corruption.

She underscored the importance of the anti-corruption conferences and expressed her pride in the work collectively being done by anti-corruption practitioners. She highlighted the successes achieved by the Commonwealth's anti-corruption work, including achieving global recognition, notably as recipient of the 2018 International Anti-corruption Excellence Award. She further noted that in Africa, Commonwealth countries were perceived as less corrupt than none Commonwealth countries with respect to Corruption Perception Index (CPI) scores, as assessed by Transparency International. She applauded the fact that eight or nine out of the ten best-performing countries in Africa were on the above-mentioned index. Further, she noted that the Mo Ibrahim Index of African Governance continued to be led by Commonwealth members.

She noted that several anti-corruption practitioners present at the conference had praised the Commonwealth Secretariat. She noted that the Secretariat had received wonderful testimonies from Seychelles, Mauritius, Kenya, Rwanda, Cameroon, Tanzania, Uganda, Sierra Leone, Nigeria and several others. She singled out Dr Roger Koranteng for appreciation for the wonderful support his unit, the Public Sector Governance Unit, had given to the Commonwealth Africa countries.

She further stated that she was delighted to report that the Commonwealth Secretariat had responded to the need for a simple pan-Commonwealth tool to provide practical guidance on clear steps that could be taken to promote integrity and combat corruption within government and in private sector organisations. She stated that through a consultative process with member countries, the Commonwealth Secretariat had developed Commonwealth Anti-corruption Benchmarks. She noted that the package consisted of a set of 22 benchmarks covering topics from sanctions for corruption offences to investigating and prosecuting authorities and from political lobbying to disclosure of asset ownership.

She further remarked that the principle of guidance was consistent with international standards and went farther to cover other areas of concern not previously addressed. She noted that the Commonwealth Package was the first document that she was aware of that connected all the areas of public and private conduct covered by the 22 benchmarks. She also stated that the Commonwealth Package was designed to be achieved with national compliance benchmarks and could also be adopted by private sector organisations.

She stated that the Commonwealth SDG recommendation supported countries with policy gap analysis, and by integrating SDG planning into national development agendas and tracking and monitoring results. She stated that in tackling corruption to curtail its menace, twenty-first century technologies such as blockchain and big data offered new weapons for combating corruption.

She stated that bearing in mind the foreseeable effects of the present devastating pandemic and taking into consideration the close ties Commonwealth Africa countries had through their related legal systems, the Commonwealth Secretariat had launched the COVID-19 business law response initiative. This was to provide assistance to member countries by offering measures and solutions which could be readily contextualised to specific national needs and circumstances, in order to protect livelihoods and help economies recover. She noted that using such innovation and building on the goodwill and understanding Commonwealth members enjoyed, there was immense potential for Commonwealth members to work together in hope and harmony to bring wellness and health to the Commonwealth.

She particularly encouraged members to make use of the Commonwealth Innovation Hub, which was a powerful means of sharing and accelerating adoption of new tools and techniques. In recommending that facility to members, she wished the conference attendees continued success in their collegial co-operation. She expressed her optimism that Commonwealth Africa would be turning the tide against corruption, with further progress that the conference attendees were making through the work of their anti-corruption agencies.

She stated that even as Commonwealth members continued assessing their progress towards achieving SDG 16 in Africa, she applauded the commitment of the conference attendees to upholding and deepening the campaign for integrity, and against corrupt practices by involving everyone and engaging with everyone.

In concluding her remarks, the Secretary-General noted that most of the systems were in place, and that the conference would offer attendees a wonderful platform to share experience and knowledge. She expressed the Secretariat's willingness to help in whatever and whichever way possible. She stated that what was required was for everyone to take swift and decisive action to implement the lessons learned in the fight against impunity and improve transparency and accountability, noting that decisive and heroic action was the only way forward.

'Assessing Anti-Corruption Efforts in Africa', Presentation by Dr Samuel De Jaegere, the Anti-Corruption Adviser, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna Austria

Dr Jaegere prefaced his presentation by referring to the United Nations Convention Against Crime (UNCAC) implementation review mechanism, specifically cycle two, which continues up to 2024.

He stated that some of the areas that require priority attention in Africa include: whistle-blower protection; public procurement; resource allocation; independence of anti-corruption bodies; ethics and integrity; transparency of political finance; assets disclosure; independence of judiciaries; non-conviction-based confiscation; and the lack of university programmes on anti-corruption.

He further stated that UNODC had supported national household surveys in some African countries such as Nigeria, and that the findings of the surveys were an important tool for assessing the progress of the anti-corruption fight.

He went on to note that UNODC had supported the Network of Anti-corruption Institutions in West Africa, the Anti-Corruption platform in Eastern and Southern Africa, and corruption risk assessments in wildlife parks, the fisheries sector and forestry. He encouraged the participants to refer to the Colombo Commentary on the Jakarta Statement on Principles for Anti-Corruption Agencies, which was issued in the previous week (available online) and facilitated the anti-corruption bodies to make self-assessments. He noted that inter-sessional meetings of the conference of state parties of UNCAC were ongoing in New York in preparation for the UN General Assembly (UNGA) Special Session against corruption, which was due to be held in 2021. He encouraged countries to make contributions to finalise the political declaration, which was expected to be adopted at the end of the special session.

Plenary

A delegate wanted to find out from the Secretary-General whether the 22 anti-corruption benchmarks included any reference to the standards for data disclosure and multistakeholder engagement and costs.

The Secretary-General responded that the benchmarks were very wide-ranging and that the main aim was to ensure they addressed all the practical issues, which were considered pivotal. She noted that if there were other issues, which ought to be fully covered, there would be an opportunity to continue perfecting the benchmarks. She noted that the benchmarks had been well received by the Commonwealth law ministers in Sri Lanka.

A delegate wanted to know from Dr Samuel de Jaegere which country had the best whistle-blower protection in cases of drugs crime and corruption. Dr Jaegere responded that he was not an expert on the matter and was therefore not able to comment on which country had the best whistle-blower protection programme.

A delegate wanted to know whether the copies of the Secretary-General's address would be available to participants. The Secretary-General responded that she would be happy to provide her address to attendees.

Country Reports

Botswana: Presented by Mr Tymon M Katlholo, Director General, Directorate on Corruption and Economic Crime (DCEC), Botswana

Mr Katlholo stated that the corruption landscape in Botswana was worrisome and required robust and comprehensive measures in terms of institutional and legislative frameworks. He noted that a national risk assessment was undertaken in 2017, which identified some deficiencies in the areas of anti-money laundering and terrorist financing. He noted that Botswana currently had the political will and legal frameworks necessary to fight corruption.

In terms of specific measures, he noted that DCEC had established an anti-corruption and money laundering unit to step up Botswana's compliance with international obligations. He further noted that several legislative instruments had been promulgated and others amended. He cited other specific measures, including the signing of Memoranda of Understanding (MOUs) for mutual legal assistance; the establishment of specialised courts to speed up prosecutions and disposal of cases; enactment of the Financial Intelligence Act and the Declaration of Assets and Liabilities Act, which required public servants to declare their assets and liabilities before the end of 2020; and repealing of the Serious Crimes Act of 1990 to better address non-conviction based assets forfeiture and its replacement with new

legislation, which allowed independent trials of money laundering-related crimes, leading to non-conviction assets forfeiture. He noted that as at the conference date, the anti-money laundering unit had dealt with 13 cases, some of which were before the courts.

He noted the role of the UNODC training DCEC on money laundering, asset tracing and recovery. He stated that DCEC had been successful in obtaining stay orders on assets worth an expected value of US\$150 million in cash, houses, vehicles and livestock.

He stated that the main challenge DCEC faced was the absence of mutual legal assistance with some countries. However, he noted that Botswana had entered into MOUs on anti-corruption with various countries including Qatar, Nigeria and Zimbabwe, to enhance the fight against corruption and related cross-border crimes.

He stated that while Botswana promulgated the Whistle Blowing Act in 2016, DCEC had since realised that it had some problems and that it had subsequently been subjected to an amendment to address the issues raised.

Cameroon: Presented by Rev. Dr Dieudonne Massi Gams, Chairman, National Anti-Corruption Commission (NACC), Cameroon

Rev. Dr Gams discussed the establishment of NACC in 2006 via a presidential decree. He also discussed its mandate, noting that it became fully operational in 2010, when it oversaw the drawing up of Cameroon's National Anti-Corruption Strategy. He stated that since the adoption of the strategy by the government in 2011, Cameroon had made significant progress in the fight against corruption. This was evidenced by the reinforcement of legal, regulatory, institutional and operational anti-corruption and asset recovery frameworks, general mobilisation and visible financial fallouts in the fight against corruption.

He highlighted some of NACC's key achievements, including the recovery of US\$2,986,589,786 between 2011 and 2017; Cameroon's ratification of the African Union Convention on Preventing and Combating Corruption; sensitisation of the public on corruption; and development of a Code of Ethics for the commission's staff, among others.

He stated that the commission had embarked on road shows to mobilise popular support against corruption, and that while the road show had faced some logistical and operational challenges, it had been successful in sensitising the public on corruption. He stated that one of the successes of the road show was its ability to reach the rural areas to spread the anti-corruption message. He shared useful lessons for implementing effective road shows and emphasised the importance of putting in place the requisite logistical and operational infrastructure.

In concluding his remarks, he stated that going forward, the commission's fight against corruption would be hinged on a number of key areas, including: the implementation of the National Anti-Corruption Strategy, the popularisation of the National Integrity Education Programme, the recovery of assets at home and abroad, and co-operation with development partners.

Plenary

A delegate wanted to know what Cameroon's strength in fighting corruption was. Rev. Dr Gams responded that its strength in fighting corruption was popular support and strong political will.

A delegate wanted to know what Botswana would do to maintain its position as the least corrupt country in Africa. Mr Katlholo acknowledged that Botswana had recently lost first position as the least corrupt country in Africa, due to the progress made by other countries which were previously ranked below it. However, he stated that Botswana was working towards strengthening its institutions, including by introducing some legislative frameworks. He further stated that DCEC was looking at its Strategic Plan with the aim of harmonising it with Botswana's national vision, which had clear provisions on issues of governance and transparency and accountability for the leadership.

'Assessing Anti-Corruption Progress in Africa', Presentation by Mr Paul Banoba, Africa Regional Adviser, Transparency International, Berlin

Mr Banoba stated that the Corruption Perceptions Index (CPI) was well-known in the anti-corruption community. According to the 2019 index, the average score (from 0 to 100) of African countries, was 32, which had remained stagnant in the last several years. He noted that some countries, such as Tanzania, had made significant progress since 2012, while there had been declines in Malawi and Ghana. He noted that some countries, such as Seychelles, Namibia, Botswana, Rwanda and Mauritius, had achieved above average scores (50–100). However, he noted that the upward trends had not been strong, except in Seychelles.

He further stated that the Global Corruption Barometer was the largest cross-country survey to collect the general public's perceptions and experiences of corruption and bribery in their countries. He noted that for the 2019 edition, a majority of people in the 35 countries surveyed thought that their governments were doing a bad job of tackling corruption (59%). He noted that according to the Global Corruption Barometer, more than one in four citizens, equivalent to 130 million citizens, who accessed public services had paid a bribe. This large number of citizens who had to pay bribes to access public services ought to be a point of concern. He further noted that more than half of the citizens surveyed believed that corruption was getting worse and that the security services were the most corrupt institutions. He further noted that incidents of reporting corruption had been very low, below 10 per cent in some countries, and that the main reason for the low reporting, according to 67 per cent of the respondents, was fear of retaliation.

He stated that Transparency International was looking at ten African countries with regards to the state of implementation of the African Union Convention on Preventing and Combating Corruption, noting that it was a strong and powerful instrument, which if well domesticated and implemented would aid the anti-corruption fight. However, he noted that the convention's implementation remained poor, noting that while there were 44 states parties to the convention, only about half of them, for instance, had frameworks in place regarding freedom of information. Similarly, he noted that with regard to political financing, many countries had not expressly banned the use of funds obtained through corruption for elections. He stated that full implementation of the convention by all state parties would go a long way in addressing corruption in the region.

Plenary

A delegate wanted to know the agencies consulted in the corruption index survey and whether the Global Corruption Barometer included data on Seychelles. Mr Banoba stated that feedback for the index was taken from surveys, which had already been conducted by other bodies such as the African Development Bank (AfDB), the World

Bank and from their country experts working in those countries, noting that the such institutions had also developed relevant tools. He also stated Transparency International did not have data from Seychelles on the Global Corruption Barometer, as it was not one of the countries that was surveyed; however, that data on Seychelles would be available going forward.

A delegate wanted to know whether Transparency International had achieved its objectives. Mr Banoba stated that fighting against corruption was a collective enterprise, in which all the conference attendees and other institutions were engaged. He stated that everyone's objective was to have an Africa free from corruption, but this was yet to be achieved and the progress had been slow.

A delegate was concerned that Africa's average rating of 32 on the CPI was low and wanted to find out what Transparency International could do about this. Mr Banoba agreed that an average score of 32 out of 100 was a poor score. He stated that more resources were needed in the anti-corruption fight, along with the requirement to enhance international collaboration. He further stated that citizens and whistle-blowers must be encouraged to report and that anti-corruption institutions should create public awareness of their roles. He also called for improved reporting at the regional and international levels.

A delegate asked a question on the importance of access to information and specifically wanted to hear Mr Banoba's view on the role played in providing access to information by the African Freedom of Information Centre. Mr Banoba stated that the African Freedom of Information Centre was doing an important job and had put out a report on the state of access to information in Africa.

A delegate asked what else could be done to curb funds derived from corruption finding their way to into the elections. Mr Banoba stated this ought to be an ongoing conversation. He noted that out of ten countries surveyed by Transparency International, only Rwanda, Morocco and South Africa had some framework for implementation of article 10 on political financing. None of the other countries expressly banned funds acquired illicitly or via corruption from entering into politics in terms of legal frameworks. He stated that as a starting point, countries should enact legal frameworks to give effect to article 10 on political party financing.

A delegate wanted to find out Mr Banoba's view on the argument that countries that had a robust free press might appear more corrupt than those which had repressive laws against a free press. Mr Banoba stated that a free press was a very important tool for anti-corruption. He stated that it could be argued that countries that had oppressive laws had less corruption, since they were able to use oppressive laws to go after corrupt officials. He noted that the press, even though free, could take sides for or against the governments, noting that in such cases, despite having a free press, the fight against corruption could be lost.

Ghana: Presented by Mr Joseph Whittal, Commissioner, Commission on Human Rights and Administrative Justice (CHRAJ), Ghana

Mr Whittal stated that some of the steps that Ghana had taken in its anti-corruption fight included institutionalisation of corruption prevention mechanisms in government departments, strategic involvement of youth and students in anti-corruption, and strengthening co-operation among key government institutions.

He stated that Ghana's anti-corruption and asset recovery progress thus far could be classified into three broad categories, namely policy, legislation and the political debate. He noted that there was a concerted public sector reform strategy by

the government, which included the introduction of client service charters, client service units, and ensuring transparency on the manner in which public services were delivered and how people were held accountable. He noted that an increased number of institutions in both the public and private sectors had adopted anti-sexual harassment policies at their workplaces, as sexual harassment could be connected to corruption.

He stated that Ghana had been able to push the frontiers by ensuring that each anti-corruption legislation was fit for its purpose by introducing amendments to various Acts of Parliament. These included: the Petroleum Revenue Management Act 2015; the Public Procurement Amendment Act 2016; and the Public Financial Management Act 2016. He noted Ghana had received technical assistance from UNODC to undertake a comprehensive revision of the Criminal Offences Act of 1960. He noted that the revised act had since incorporated all anti-corruption gaps in the criminal legislation, and that it would soon be presented to parliament. He highlighted other proposed anti-corruption related legislation or amendments connected with the Witness Protection Act under the Office of the Special Prosecutor and amendments to the Companies Act 2019, to address questions of disclosure on beneficial ownership.

Mr Whittal observed that the commission was working closely with the media, including with investigative journalists. He stated that other measures that had been adopted by the commission included: the introduction of integrity awards for non-governmental organisations (NGOs) and the private sector; development and enforcement of codes of conduct among the government agencies, including the judiciary, which had in turn led to several judges and magistrates being removed from office for breaching the Judiciary Code of Conduct; development of a code of conduct for Members of Parliament; and increasing the use of information and communication technology (ICT) in investigating corruption, including digitalisation of banking and financial institutions, port and harbour operations, and automation of the superior and lower courts.

He highlighted that some of the problems which challenged anti-corruption efforts in Ghana included: inadequate human and material resources; low levels of reporting on corruption by the public; politicisation of corruption and crime; and a lack of political will.

Nigeria: Presented by Mr Adedayo Kayode, Head of Department of Investigations, Independent Corrupt Practices and Other Related Offences Commission (ICPC), Nigeria

Mr Adedayo Kayode began his address by discussing the ICPC's statutory anchorage and its threefold mandate of investigation and prosecution, system study and review, and education, public enlistment and mobilisation. He stated that his presentation would focus on ICPC's asset recovery powers.

He highlighted the commission's asset recovery initiatives, including: the constituency and executive project monitoring group; non-conviction based asset forfeiture; management of recovered assets as a going concern; release of assets seized to victims; release of assets for public use in the interim; a forensic laboratory; and certification of experts.

He highlighted the commission's achievements under each initiative. Some of the achievements included: recovery of assets and machinery and restarting of stalled works under the commission's constituency and project monitoring initiative; and the recovery of assets under non-conviction based asset forfeiture. He stated that the

commission provided forensic and laboratory training to its staff in various areas, such as data analysis and real-time tracking of suspects.

He highlighted some of the challenges the commission faced, including: teething problems in deploying new technologies such as polygraph forensics; the high cost of asset management during the recovery process; lack of capacity for asset management; and lack of clarity over the mandate for asset management responsibilities after recovery.

He concluded his presentation by noting that asset tracing, recovery and management was crucial for the fight against corruption, as it helped to deprive corrupt officials of their assets by going after the assets rather than the offenders. This also provided psychological succour to the public, assuring them that stolen assets would be retrieved from the corrupt. Further, he stated that non-conviction based forfeiture saved time and money and that the recovered assets were put to public use.

Plenary

A delegate wanted to know whether Ghana's Commission for Human Rights and Administrative Justice would be more effective if its three mandates of ombudsman, human rights and anti-corruption were handled by separate stand-alone institutions. Mr Whittal stated that administrative justice was a human right under the Ghanaian constitution and that the fight against corruption required more institutions, which were collaborating effectively to tackle such a hydra-headed problem.

A delegate was concerned that there were too many anti-corruption institutions in Nigeria and that that had led to duplication of effort. Mr Kayoode stated that each anti-corruption institution had a very specific mandate. He noted that the ICPC had a specific and clear mandate to deal with investigation and enforcement, and had the responsibility to investigate and prosecute corruption cases. He stated that there was absolutely no overlap between its mandate and the mandates of other anti-corruption institutions. He further noted that Nigeria needed many institutions due to its large population.

A delegate wanted to know about ICPC's experience in utilising the powers of insolvency practitioners in asset recovery. Mr Kayode noted that the ICPC understood the limited capability of the law enforcement agencies and therefore collaborated with all relevant agencies and professionals to effectively deal with this form of corruption.

A delegate wanted to know how the ICPC dealt with international cases, in particular the management of British Virgin Island firm, Process and Industrial Development (P&ID) which provided damning evidence against senior Nigerian lawyers, who were paid bribes of over US\$2 million. Mr Kayoode stated that the case was not within the ICPC's mandate.

'Corruption and Political Stability', Presentation by Prof. Luis Franceschi, the Commonwealth Senior Director for Governance and Peace

Prof. Franceschi began his presentation by noting that democracies were somehow collapsing in Africa, complaints and noise were increasing, and anti-corruption bodies were trying to hold the 'building', which was collapsing. He stated that the actions of anti-corruption bodies were justified through a few indictments or some investigations, the sustainability of such measures notwithstanding.

He noted that according to the world's biggest reinsurance corporations, the social gap between the rich and the poor was the biggest and most expensive risk in the

world. He noted that political dynamics and conflicts of interest were the biggest issues facing the fight against corruption. He stated that corruption was cheaper, as it was easier to be corrupt and pay the bribe than go to a police station or a court. Accordingly, he suggested that it was necessary to find a way to make corruption more expensive.

Prof. Franceschi noted that the lower a country was ranked on the Corruption Perception Index, the higher the risks of political instability; and that the poorer the country, the greater the likelihood of such a country facing political instability. He noted that a study by the World Bank had established that there was a correlation between the control of corruption and government efficiency. He quoted the study's example of Rwanda, which demonstrated that when corruption control was going down, government efficiency also went down; likewise, when corruption was better controlled, government efficiency also improved. He noted that the same pattern repeated in Ethiopia and sub-Saharan Africa. He also observed that the poorer the control of corruption, the greater the risk of violence.

He further stated that over-regulation made the process of justice more complicated. He said there was a need to think 'out of the box' in terms of dealing with corruption perceptions, noting the demonstrations against corruption in a number of countries and the role of social media in creating linkages between people. He observed that control of corruption affected political stability, especially because it affected government efficiency at the core. He further stated that political instability created a vicious cycle that triggered fiscal incapacity and threatened development.

Plenary

A delegate asked Prof. Franceschi to elaborate further on the vice of overregulation. Prof. Franceschi stated that over-regulation created an environment for corruption by creating 'corruption points' along the process of accessing public services.

A delegate asked about soft and hard approaches, and the implications of either approach for the fight against corruption. Prof. Franceschi stated that for a hard approach to work, it was important to be well prepared with relevant actions beforehand, as people could see a subsequent disconnect between actions and actual results. He stated that a soft approach was not less efficient and gave the example of Singapore, which he stated had reduced corruption to low levels without much noise or publicity. He noted that if there was the political will, the hard approach was much faster and produced results, while where there is no political will, a softer approach may be more plausible.

A delegate wanted to know what the most important driver of corruption in Africa was and how it could be prevented. Prof. Franceschi stated that in his opinion, the biggest driver of corruption in Africa was conflict of interest.

A delegate wanted to know how one could balance the fight against corruption, even with political will, and the issue of human rights. Prof. Franceschi stated that any corruption case must follow due process. He noted that declaration of assets was essential, provided it was accompanied by an opportunity to explain how such assets had been obtained.

'Integrity and Public Accountability in Rwanda: Key Lessons from a Success Story', Presentation by Hon. Johnston Busingye, Minister for Justice and Attorney General, Rwanda

Hon. Busingye began his address by observing that Rwanda's story on integrity and public accountability was a reflection of the political will it invested to achieve success.

He stated that integrity around management of public resources at the foremost should refer to public officials' discipline, ability and capacity to supervise, regulate and monitor themselves in the process of managing public resources, noting that the failure to develop a culture of integrity and accountability could be costly both to the country and its people. He stated that Rwanda had mobilised the public to understand that the fight against corruption was a 'long-haul' fight.

He highlighted that the government had earned public support and support from development partners, and had built partnerships with the private sector and civil society. He noted that Rwanda had about 15 anti-corruption laws, improved investigation and prosecution strategies, and enhanced asset recovery mechanisms. He noted that these measures had significantly diminished corrupt practices and ensured transparency, increased accountability for public assets and funds, ensured efficient management, reduced crimes of corruption, and deterred possible offenders.

Hon. Busingye stated that anti-corruption policies and actions were managed by a range of public institutions, including the Office of the Ombudsman, which carried a wide mandate in the fight against corruption, the Ministry of Justice, National Public Prosecution Authority, Rwanda Investigation Bureau and the Office of the Auditor-General.

He explained that national anti-corruption strategies were embedded in policy and legal frameworks, including in the national anti-corruption policy, the law on fighting corruption and several other penal laws. He further stated that Rwanda had adopted improved prosecutorial strategies and special measures to ensure that corrupt officials were arrested and prosecuted. He also stated that a specialised chamber had been introduced to hear corruption and economic crimes cases, and to also improve the handling of such cases.

He noted that on the international front, Rwanda was a party to regional and international conventions, including the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. He also stated that Rwanda had sought judicial congress with other countries and had also entered into several bilateral and multilateral co-operation agreements, which would facilitate asset seizures and freezes, and extradition of suspects and convicts.

He underscored the importance of belonging to and making use of international frameworks, and co-operation among countries. He finally called for simplification of national procedures and bureaucracy, to reduce unnecessary bottlenecks in the fight against corruption.

Plenary

A delegate wanted to know whether strong leadership was the most important factor driving the anti-corruption fight in Rwanda. Hon. Busingye agreed that strong leadership was the most important factor. The strong leadership had a multiplier effect, which had cascaded to the micro level. He noted that strong leadership had multiplied exponentially from the top to the middle level and even at the grassroots level, such that the messaging on corruption was consistent across all leadership levels.

A delegate wanted to know whether Rwanda would become the least corrupt country in Africa given its fight against corruption. Hon. Busingye stated that Rwanda's goal was to be as least corrupt as possible and that if in the process it became the least corrupt country in Africa, that would be incidental.

Day 2: 8 September 2020

'Understanding the Common African Position on Asset Recovery (CAPAR)', Presentation by Dr Esa Onoja, the Chief of Staff of the Independent Corrupt Practices and Other related Offences Commission (ICPC), Nigeria

Dr Onoja spoke on the Common African Position on Asset Recovery (CAPAR). He took the conference through CAPAR's purpose and adoption, its preamble, pillars and cross-cutting issues. He noted that CAPAR was a political, policy and advocacy instrument aimed at assisting in identifying, repatriating and effectively managing African assets for the common good of citizens, in accordance with Africa's development agenda, domestic laws and other legitimate government purposes and in a manner that respected the sovereignty of member states. He stated that CAPAR had four pillars, namely: the detection and identification of assets, the recovery and return of assets, the management of recovered assets, and co-operation and partnerships.

He drew attention to the loss of African resources and assets, emphasising that if estimates of Africa's losses to illicit financial flows (IFFs) were to be recovered, Africa would become a net creditor to the rest of the world. He stated that IFFs and illicit consignment of African assets to foreign jurisdictions would continue to inhibit Africa's development goals and aspirations. He emphasised the need for urgent action by the global community and for African Union (AU) member states to speak with one voice to ensure that Africa's voice was heard and fully recognised in the shaping of the global ecosystem of asset recovery.

He highlighted the need for resource mobilisation to finance Africa's development, stating that African assets taken to foreign jurisdictions by IFFs, corruption and illicit trade had had a severe negative impact on Africa's development agenda and enjoyment of human and socioeconomic rights. He noted that CAPAR was therefore a critical step in stemming and reversing IFFs.

He noted that detection and identification of assets in foreign jurisdictions was technically complex and an inherently political endeavour. He highlighted that for effective and efficient detection and identification of assets in foreign jurisdictions (both within and outside the continent), member states needed to strengthen domestic and regional systems; enhance transparency and accountability; embrace the use of technology; regulate, protect and incentivise whistle-blowers; strengthen and enhance existing institutions; and encourage and advocate for transparency.

Dr Onoja called for prioritisation of recovery of assets at the domestic, regional and global levels, including return of artworks and artefacts, and highlighted the need to strengthen legal and financial institutions to aid the process of asset recovery, including establishment of funds, trusts and dedicated African escrow accounts to be held by regional financial institutions.

He stated that the use of recovered assets was the sovereign right of African Union member states and that member states were entitled to use the recovered assets for the common good of citizens in accordance with Africa's development agenda, domestic laws and other legitimate government purposes. Accordingly, he stated that the management of assets must include the power to invest returned assets, and generally adopt profitable and economically effective and efficient asset management standards in the interests of member states and their people.

He called on member states and international institutions to mobilise domestic resources, preserve the value of seized and confiscated assets, ensure accountability and transparency, and adopt measures to boost public confidence. These measures included monitoring of use by civil society; instituting corruption prevention and control measures; compensating African countries; assisting source countries to collate data on assets in requested countries; establishing or designating a recovered asset management agency; creating or establishing a central returned assets account in local and designated foreign currencies; codifying or adopting a policy on use of recovered assets for development goals or implementation of any other social investment project, as deemed fit by member states; and maintaining an asset register.

He noted that effective and efficient co-operation between various actors, including states, regional bodies, the global community, investigative bodies, law enforcement agencies and financial intelligence institutions, was crucial in curbing IFFs. He highlighted that elements of co-operation and partnerships included prioritisation of co-operation and partnerships through advocacy and engagement, and enhancing coherence and co-operation between domestic, regional and global systems, frameworks and institutions.

He highlighted cross-cutting issues in asset recovery, including strengthening domestic, regional and international systems through prioritisation of asset recovery at the domestic and regional levels; creating strong legal, taxation, financial and justice systems; ensuring independent well-resourced domestic and regional justice systems; holding facilitators of IFFs to account; regulating gifts to public officials; and promoting transparency and accountability of the financial services sector.

He stated that the second cross-cutting issue was inclusion, through implementation of equity, gender equality, environmental sustainability, and mutually beneficial development within and between member states. The final cross-cutting issue was enabling implementation, through time-bound, relevant policy and strategic implementation, including allocation of resources for asset recovery activities, enhanced intra-continental co-operation and communication, and experience sharing and monitoring and evaluation mechanisms.

Dr Onoja concluded his presentation by discussing CAPAR policy recommendations, which he broadly surmised under three categories. First, the measures that African countries should put in place in their anti-corruption and asset recovery efforts; second, the role of the international community, and third, domestic and regional institutions. He made several policy recommendations, including strengthening domestic and regional systems for detection and identification; protecting and incentivising whistle-blowers; strengthening and enhancing detection and identification processes; strengthening and enhancing existing bodies and institutions; encouraging and advocating domestic and regional-level transparency in aid of detection and identification of African assets; and creating and maintaining an agreed framework for management of recovered assets.

He also called for the implementation of strategies to enhance transparency in the management of recovered assets; prioritisation of recovery of African assets at the domestic, regional and global levels; strengthening legal and financial institutions to aid the process of asset recovery; prioritising co-operation and partnerships towards recovery of assets; advocacy and engagement at the regional and global levels; and taking steps to enhance coherence and co-operation between domestic, regional and global systems, frameworks and institutions. He called on the international community to support and co-operate with the efforts of AU member states to recover African assets.

Plenary

A delegate wanted to know how the policies on corruption were being implemented and how much had been achieved. Dr Onoja noted that implementation was a major limitation at the national and continental levels. He called for continued advocacy and sensitisation among anti-corruption practitioners and governments. He noted that contrary to CAPAR's prescriptions, there were countries which lacked robust frameworks. He called for African countries to work together to learn from each other to reduce the level of depletion of assets and ensure assets were returned. He conceded that implementation could not always be as desired, but that countries must work to put that behind them.

A delegate wanted to find out whether in practical terms, there were any developments, such as the unexplained wealth order, that would assist Africa. Dr Onoja noted in Nigeria, there were several executive orders and statutory provisions. He further noted that there had been activities in courts in Nigeria and that the Nigerian Supreme Court had recently held that there were certain instances in corruption and asset recovery cases when the burden of proof shifted to the accused person to demonstrate that the seized assets did not accrue from the proceeds of corruption or crime. He noted that these were examples that other African countries could learn from, to ensure people that lived beyond their means were made to account for how they were able to do so.

A delegate asked what the African experience was in global asset recovery. Dr Onoja stated that Nigeria had some successes in recovery and return of illicit gains. However, he noted that there were some countries which attached conditions on the return of African assets. He stated that such conditions were a drawback for efforts to recover African assets.

A delegate wanted to know what proportion of capital flight from Africa was illegal and what proportion was legal. Dr Onoja stated that there were no accurate estimates of stolen assets and the assets that some said were legitimately earned. He stated that various court judgments showed that people had been bribed to trade state interests, and that research on businesses that claimed to be legitimate would often lead to the discovery of illegalities or illegally obtained assets. He noted that Nigeria had since recovered some of these illegally obtained assets. However, he expressed his optimism that the United Kingdom would do more to help Nigeria trace and recover illicit assets in the United Kingdom.

A delegate wanted to find out about the efforts which had been made to safeguard recovered Nigerian assets and ensure they were not rerouted and laundered abroad. Dr Onoja stated that it was important that actors who helped to recover funds did not themselves share the proceeds and reinvest them locally. He noted that all stakeholders needed to work together to prevent this from happening. He decried the lack of consistency in fiscal rules across African countries, which he contended that, combined with variances in legal systems, compounded efforts to ensure that recovered assets were not rerouted and laundered.

Country Reports

Mauritius: Presented by Mr Isswar Jheengat, the Director of the Education and Preventive Division of the Independent Commission Against Corruption (ICAC)

Mr Isswar Jheengat presented Mauritius' country report. His presentation focused on Mauritius' system of declaration of assets (DoA). He traced the evolution of the declaration of assets in Mauritius from 1985, when Mauritius began operating a

DoA system. He also stated that ICAC was tasked with the implementation of the DoA system.

He stated that declaration of assets remained a fundamental tool for anti-corruption agencies in their fight against corruption, noting that Mauritius had been implementing a system of declaration of assets since 1985. However, he noted that some weaknesses had been observed during the UNCAC review, which required remedial actions, and that subsequently a new Declaration of Assets Act was promulgated in 2018.

He noted that prior to the 2018 Act, several institutions already had declaration of asset regimes under their respective legislations. However, he observed that the new declaration of assets system included: a comprehensive legal framework to address weaknesses highlighted during the UNCAC review; a wider scope in terms of declarants, while also providing for sanctions for non-compliance; the provision of requisite powers to ICAC to implement the provisions of the Act (receipt, processing, issuing of penalty); and enabling disclosure of information to the public regarding assets and liabilities. Mr Isswar further noted that the Act also provided for the verification and monitoring of the assets and liabilities to help detect corruption, money laundering and illicit enrichment for subsequent actions; maintained a balance between transparency and privacy of individuals; and reinforced the national strategy in the fight against corruption and other related crimes.

He highlighted some of the achievements since July 2020. These included: 97 per cent compliance in the declaration of assets, with the remaining 3 per cent being late penalties collected for the late submission of declaration of assets forms, which amounted to 941,000 Mauritian rupees (MRs); and 100 per cent disclosures by the end of the declaration process. He stated that to further reinforce the system, the commission had focused more resources on the verification and monitoring processes, as well as the strengthening of inter-agency collaboration, especially in the area of information sharing. He also noted that the commission was working towards the establishment of an online platform, whereby declarants would be able to declare their assets online.

Uganda: Presented by Mrs Fauzat Mariam Wangadya, the Deputy Inspector General of Government, Inspectorate of Government, Uganda

Mrs Wangadya's presentation primarily focused on the collaborative approaches adopted by Uganda's three key anti-corruption agencies, namely the Inspectorate of Government, the Public Procurement and Disposal of Assets Authority, and the Office of the Auditor General. She highlighted the initiatives by the Inspectorate of Government to strengthen national co-ordination and co-operation among anti-corruption agencies, highlighting the collaboration between the three institutions mandated to fight against corruption.

She noted that although the Inspectorate of Government was a constitutionally established office mandated to respond and act on complaints or issues related to corruption and maladministration in public offices, the three institutions recognised the need to combine efforts to fight corruption through a formal agreement. The purpose of the agreement included facilitation of sharing of information, joint investigations, joint trainings, sharing technical expertise and facilities, and joint anti-corruption campaigns.

She noted that the benefits of collaboration between agencies included: improved quality of investigation reports as a result of the increase in case referrals between

the agencies based on competencies; and an increase in successful prosecutions as a result of joint investigation of cases conducted by the agencies to handle the different aspects in line with the different mandates. She stated that this subsequently improved the expertise of the different agencies and the evidential value of the cases. She highlighted other benefits, including: the continuous sharing of information and networking, resulting in increased knowledge of the various forms of corruption and the formation of a syndicate of the anti-corruption agencies to fight organised corruption; and the development of joint community-based anti-corruption campaigns and activities, which subsequently enhanced the capacity of the agencies in addressing incidents of corruption.

She stated that the holistic approach to the fight against corruption had resulted in an improvement in turnaround of investigations and the quality of investigations; increased success of prosecutions, as a result of timely sharing of information; and increased confidence and trust in the agencies, because of teamwork and the common vision of the agencies.

She also discussed the challenges in implementing the initiative. These included a lack of consensus between different mandates working together, due to differing agendas and priorities, and limited time for meetings between the top management of the three agencies. She stated that to address these challenges, the Inspectorate of Government had emphasised the need for continuous engagement by the three agencies and the need to formalise the collaboration to specify what was required of each of the parties.

She stated that the Inspectorate of Government's priorities included securing the sustainability of the collaboration; strengthening the networks between technical staff, both at the central and local levels; exploring more areas of support and complementarity in the collaboration; conducting a study on the impact of the collaboration; and the development of a joint collaboration strategy that would set the direction of the collaboration for the next five years.

She provided highlights of some of the key achievements at the Inspectorate of Government. These included: the inauguration of the Leadership Code Tribunal to support the enforcement of the Leadership Code Act; the recovery of 2.7 billion Uganda shillings (Ush) (approximately US\$750,000), an increase from the previous year, when 1.1 billion (approx. US\$310,000) was recovered; the recovery of a ten-floor apartment block worth USh1.2 billion (US\$330,000) from a public official through a negotiated settlement (non-conviction based asset forfeiture); and benchmarking with other anti-corruption agencies, including Kenya's Ethics and Anti-Corruption Commission, to learn about Kenya's asset recovery legal regime. She noted that other achievements included the training of more than 100,000 members of the community to demand for transparency and accountability in the implementation of government programmes; rolling out the transparency, accountability and anti-corruption (TAAC) component to other parts of the country; and collaboration with 45 civil society organisations (CSOs).

She emphasised that the fight against corruption and maladministration required concerted efforts, involving multiple agencies.

Nigeria: Presented by Mr Umar Mohammed Hadejia, Acting Director of Operations of the Economic and Financial Crimes Commission (EFCC), Nigeria

Mr Umar's presentation mainly focused on the strategies that Nigeria had adopted in its anti-corruption and asset recovery efforts. He stated that the recovery of stolen

assets rated high on the government's anti-corruption agenda and that the EFCC had been unrelenting in the pursuit of this agenda.

He highlighted recent efforts and successes in relation to Nigeria's efforts at asset recovery. These included: the use of domestic policies and mechanisms to strengthen the anti-corruption regime in Nigeria, including cross-border investigations and collaborations; the introduction of a whistle-blower policy; the introduction of a treasury single account (TSA) that consolidates all government revenues, receipts and payment into a consolidated revenue account in the Central Bank of Nigeria, to check financial leakages in public fund management and ensure accountability and transparency in government spending; and the use of a bank verification number (BVN), which gives each bank customer a unique identity across the Nigerian banking industry that can be used for easy identification and verification at point of banking operations during financial investigations, to determine beneficiaries of funds. He also mentioned the use of non-conviction based asset forfeiture and the use of new technology in asset tracing; and the use of regional and international advocacy to ensure institutionalisation of asset recovery efforts.

Highlighting the challenges encountered in EFCC's asset recovery efforts, Mr Umar noted that the process of repatriating monies stashed abroad back to Nigeria had been very frustrating and disappointing, despite the continuous support and co-operation by Nigeria in various ongoing investigations cutting across various jurisdictions.

He stated that Nigeria had entered into bilateral agreements with several countries, such as Switzerland, the UK, the United Arab Emirates (UAE) and USA, among others, for mutual assistance aimed at checking illicit financial flows, tracing, recovery and return of stolen assets. He reiterated that delaying the return of stolen assets and, in some cases, outright refusal to repatriate proceeds of crime was tantamount to an infringement of the human rights of the citizens of countries that bear the brunt of embezzlement of their resources.

He expressed hope that the Common African Position on Asset Recovery would provide a common basis for Africa to ensure that its stolen resources were traced, recovered and returned for utilisation by the African people. This was especially as it related to Africa's Agenda 2063 of 'An integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in the international arena'.

Plenary

A delegate wanted to find out about the efforts that Mauritius had put in place to verify declaration of assets to avoid under-declaration, and how such efforts could be implemented at the global level. The delegate also wanted to find out how the declarations were verified. Mr Isswar stated that ICAC carried out verification through inter-agency collaboration. ICAC also counterchecked following the verification process.

A delegate commented that infrastructure procurement was prone to corruption and wanted to find out whether the presenters had any comments on addressing corruption in infrastructure procurement. Mr Umar stated that the focus was on how to improve efficiency. He admitted that it was perceived that the largest procurements were on infrastructure projects and that most corruption took place within such projects. He stated that their most high-profile prosecution was of a minister who had engaged in corruption in a road infrastructure deal. He stated that anti-corruption agencies could only do their best in terms of detection and prosecution.

A delegate was concerned that the figure of US\$100,000 that had been saved in Uganda was insignificant given the amounts spent on procurement. The delegate wanted to know the reason for this lack of results. Mrs Wangadya stated that the amount was representative of what had been recovered thus far. She said that where there was an organised corruption, it was difficult to recover funds and assets as it was a complicated process which involved several ministries.

A delegate wanted to know why it was important to start asset declaration with top cadre officials as opposed to low cadre officials. Mr Isswar stated that in Mauritius, all senior public officials and legislators declared their assets, while only certain specific low cadre officials who worked in critical agencies were required to declare their assets.

A delegate wanted to know why EFCC was struggling in extraditing corrupt officials and recovering funds. Mr Umar stated that while Nigeria was co-operating with various countries, the different laws across the countries complicated investigations and repatriation. However, he noted that EFCC had achieved some successes, such as the recovery and repatriation of Abacha's assets back to Nigeria.

A delegate wanted to know the level of co-operation between Nigeria's various anti-corruption agencies. Mr Umar stated that there was a very high level of co-operation between EFCC, ICPC and the police.

A delegate wanted to know the level of collaboration between Uganda and the East African Association of Corruption Agencies. Mrs Wangadya stated that Uganda was a founding member of the East African Association of Corruption Agencies and hosted its Secretariat. She stated that the agencies of the member countries worked collaboratively, and that the collaboration was beneficial to the national agencies.

A delegate wanted to know what good efforts had taken place in Commonwealth Africa in asset recovery and fighting corruption. Mr Isswar stated that asset declaration and verification in Mauritius received a high level of support and a 97 per cent compliance rate. He thought other countries could learn from this and use asset declaration and verification to fight corruption. He also stated that Uganda's experience was commendable, as it demonstrated how anti-corruption institutions could work together and learn from each other to enhance success.

A delegate wanted to know how to prevent perjury when incentivising whistle-blowing. Mrs Wangadya stated that the Uganda Inspectorate of Government verified the information received and thoroughly interviewed the prospective witnesses.

'Prosecuting Anti-Corruption Cases – Success Ingredients or Factors', Presentation by Hon. Justice Duncan Gaswaga, the Chairman of the Anti-Corruption Commission of Seychelles

Justice Gaswaga noted that in Seychelles, corruption was a very sophisticated crime and one of the most difficult offences to investigate and prosecute. He stated that it was even more complex to trace and recover the proceeds of corruption.

He noted that some of the challenges which faced prosecution of corruption cases included: the personal (physical or psychological) risk to prosecutors; the failure to protect exhibits and witnesses; the highly sophisticated nature of corruption criminals; political interference; comingling; the lack of strong legal regimes; the lack of expertise among judges and prosecutors; control of the prosecution process; the independence and credibility of the judicial system; lack of or weak legal regimes; and money laundering.

He noted that the prerequisites for success included: thorough preparation of all necessary agencies, plea bargaining, creating case plans, creating checklists of all steps and actions to be taken, building teams of investigators, prosecution-led investigations, maintaining high levels of professionalism among officers of law enforcement agencies, admissible evidence, and early preparation of likely applications such as freezing orders/restrictions/bail objection.

Justice Gaswaga called on prosecutors to apportion guilt based on each defendant's contribution/participation (e.g. conspiracy, aiding and abetting) and the extent of loss caused to be proved (individual criminal liability). He also called for specific compensation or confiscation orders with solid evidence and reasons. He advised prosecutors to not leave prosecution of criminals to the courts and encouraged civil society and commissions to undertake training of judges and law enforcement officers in anti-corruption and innovative ways of fighting corruption.

He also cautioned that anti-corruption agencies should be cautious to avoid being sued for wrongful seizure or arrest.

Plenary

A delegate wanted to know how whistle-blowing could be incentivised. The delegate was concerned that incentivising whistle-blowing introduced another motive beyond revealing the truth about wrongdoing. The delegate wanted to know how the nature and value of the incentive could be determined. Justice Gaswaga stated that incentivising whistle-blowing was a tricky area. It was important for anti-corruption agencies to independently verify the information provided by whistle-blowers and also thoroughly interview them.

A delegate wanted to know whether it was advisable to go the way of plea bargaining in corruption cases. Justice Gaswaga stated that in his opinion, it was advisable to go for plea bargaining in corruption cases. He stated that prosecution of corruption cases was characterised by many uncertainties. However, he noted that it was up to anti-corruption agencies to decide whether they wanted to take either route, noting that each had its relative advantages and disadvantages.

A delegate wanted to know what practical advice Justice Gaswaga would give to an investigator who had been cautioned against pursuing a certain line of inquiry, when investigating a case involving a powerful individual. Justice Gaswaga stated that while he was aware that investigators and prosecutors faced threats from powerful individuals, they ought to remain strong and report to the authorities. He stated that investigators should weigh the threats, assess at what point the damage might arise if the threat was actualised, and seek security protection. Further, he stated that investigators ought to be cautious but should not disqualify themselves, as that would only embolden accused persons to threaten those who took over the investigations or prosecution.

A delegate wanted to know Justice Gaswaga's take on the view that sometimes judges refused to be sensitised by prosecutors and investigators, by saying that they wanted to remain impartial. Justice Gaswaga stated that while he had heard such views, the important thing was how such programmes were framed and approached. He noted that he was a fellow of the Commonwealth Judicial Commission Institute in Canada, which trained individuals in agencies on how to train judges.

Zambia: Presented by Mrs Rosemary Nkhuzwayo, the Acting Director General of Zambia's Anti-Corruption Commission

Mrs Rosemary Nkhuzwayo gave an overview of Zambia's anti-corruption and asset recovery efforts. She began by giving a brief background to Zambia's asset

recovery legal and institutional regime. She noted that Zambia had domesticated various international anti-corruption legal instruments, including the United Nations Convention against Corruption. She also spoke on various laws that Zambia had enacted to address various aspects of anti-corruption and asset recovery. The legislation addressed areas such as forfeiture, financial intelligence and plea negotiation, among others. Further, she spoke on Zambia's anti-corruption and asset recovery institutional framework.

She also shared some success stories in Zambia's asset recovery efforts, including recovery of assets worth US\$400 million from a Panama-registered company, which had been used to steal public assets from Zambia. She further stated that since the establishment of Zambia's Asset Recovery Unit in its Anti-Corruption Commission, the commission had recovered various assets, including movable and immovable property, cash, and precious stones such as diamonds.

Mrs Nkhuzwayo noted that some of the challenges which faced Zambia's anti-corruption efforts included: lack of technical expertise, lack of international co-operation, inadequate financial resources, demands by countries that held tainted properties to also benefit from the properties, and incompatibilities between legislation and court processes.

She concluded her presentation by noting that there was a need for more international co-operation to ensure anti-corruption and asset recovery efforts were more effective.

Namibia: Presented by Mrs Christine Liswaniso, the Acting Head of Public Education and Corruption Prevention, Anti-Corruption Commission of Namibia

Mrs Liswaniso gave an overview of Namibia's anti-corruption and asset recovery framework. In terms of the legal framework, she stated that Namibia was a signatory to various international and regional frameworks, including the United Nations Convention against Corruption (UNCAC) 2003, the African Union (AU) Convention on Preventing and Combating Corruption, and the Southern African Development Community (SADC) Protocol against Corruption. She also highlighted Namibia's domestic anti-corruption legislation, including the Namibian Constitution and the Anti-Corruption Act, 2003, which established the Anti-Corruption Commission (ACC).

She stated that the projects initiated by the commission included the Public Procurement Act of 2015; the establishment of the Procurement Policy Unit, to investigate concerns regarding the adjudication and award of tenders and give feedback to the public; the establishment of the Central Procurement Board; the introduction of internal institutional procurement structures, such as the procurement management units, procurement committees and bid evaluation committees in each office, ministry and agency; the holding of national workshops for all public institutions to introduce the new Public Procurement Act and strict enforcement and implementation by all offices, ministries and agencies; and establishment of decentralised procurement management units at all regional councils country wide.

Other initiatives included the enactment of the Whistleblower Protection Act and the Witness Protection Act by parliament; the introduction of income and assets declaration by public office bearers; conducting corruption risk assessments in government institutions, local authorities and the private sector; integrity committees

in all public institutions, including regional councils; and the development of a National Anti-Corruption Strategy.

She stated that the Directorate of Public Education and Corruption Prevention had successfully conducted ethics and integrity training to more than 48 public institutions in Namibia, the main purpose of the trainings being to strengthen a culture of integrity, trust and the highest standard of ethics.

She stated that the ACC Secretariat had initiated an internal evaluation exercise to take place during the 2020/21 financial year, to determine progress achieved so far and the extent to which strategy objectives were being met. The evaluation was also to determine progress made by implementing institutions in carrying out their commitments to close the loopholes for corruption under the strategy; to identify areas for improvement; and to learn lessons for executing the next phase of the strategy.

She stated that Namibia had also embraced partnerships and was part of a peer-to-peer learning alliance with Uganda, Kenya and Tanzania, to learn best practice from each other and share experiences.

In concluding her presentation, Mrs Liswaniso sought the Commonwealth Secretariat's support on various areas. In particular, she sought technical assistance from the Commonwealth in the following fields: the reviewing/drafting of Namibia's new anti-corruption strategy; development of a practical tool to conduct an in-depth systems examination to identify loopholes for corruption and to secure revision of such systems; speedy financial evidence gathering to enhance the rate of prosecutions in reported cases; and coming up with innovative ways to reduce the backlog of pending corruption cases.

Lesotho: Presented by Advocate Moses Manyokole, Director General of the Directorate on Corruption and Economic Offences (DCEO)

Advocate Moses Manyokole's presentation focused on asset recovery in 2020. The directorate recognised that criminal forfeiture on its own was an insufficient law enforcement tool and, as such, developed a new civil strategy independent of criminal prosecution. He noted that this was an effective way to quickly deal with property, to safeguard against its dissipation and hiding.

He highlighted that DCEO's three-pronged strategy to fight corruption, involving prevention, education and investigation, had proved to be insufficient and that in response, DCEO introduced an asset recovery strategy to bolster the fight against corruption. However, he noted that its effectiveness depended largely on partnerships with other countries. Hence he highlighted the need for the development of partnership agreements to provide platforms for education, the development of investigative and prosecutorial skills, creating informal networks for the sharing of information, and for sharing strategies and best practice.

He highlighted the Commonwealth's commitment to supporting African member countries in their fight against corruption and providing a platform for discussion and sharing of national experiences, strengthening of ties and partnerships, and co-operation beyond the week-long meetings. He noted these initiatives were instrumental in enhancing the anti-corruption efforts of member countries.

Advocate Manyokole noted that the Money Laundering and Proceeds of Crime Act had been applied since 2014 and included both conviction and non-conviction based

forfeiture. He also stated that restraint and preservation applications were made ex parte and without notice, and the law catered for the establishment of a Criminal Asset Recovery Fund (CARF). He stated that DCEO had successfully recovered motor vehicles, garbage bins, household furniture, contracts, diamonds, immoveable assets and cash, all valued at 2.3 Billion maloti (M).

He further highlighted some new anti-corruption projects started by the DCEO, such as conducting declaration of assets for public officials such as parliamentarians, judges and cabinet members; conducting lifestyle audits; by reviewing energy providers and institutions prone to corruption; investigating, stocktaking and auditing government property; the establishment of an anti-money laundering team; and the prioritisation of project cases that had significant value and public interest.

Plenary

A delegate wanted to know the composition and role of Namibia's integrity committees. Mrs Liswaniso stated that integrity committees were appointed by the executive directors of the public institutions where the committees were based. She stated that the committees were mainly involved in corruption prevention activities at their organisations.

A delegate wanted to know other strategies, apart from prosecution, that anti-corruption agencies could apply to ensure speedy achievement of justice. Justice Gaswaga acknowledged that there were court delays in corruption cases in many jurisdictions. He stated that one of the ways of addressing the delays was by setting up specialised courts which exclusively dealt with corruption and related offences, right from the magistrates' courts up to the High Court.

'Deploying Restitution in the Administrative Sanction Systems of MDBs for Asset Recovery', Presentation by Allan Bacarese, Director, Office of the Integrity and Anti-Corruption, African Development Bank (AfDB)

Mr Bacarese's presentation focused on deploying restitution in the administrative sanction systems of multilateral development banks (MDBs) for asset recovery. He stated that corruption posed a threat to the achievement of AfDB's five priority areas and could thus negatively affect the Bank's reputation, potentially eroding the trust of partners and shareholders. He stated that corruption also impeded resource mobilisation efforts and could hinder the bank's efforts to stimulate sustainable economic development and social progress in Africa.

He highlighted the AfDB's fiduciary arrangements and strategy, including establishing key departments such as the Economic and Financial Governance Department, Ethics Office, Ombudsman and Office of the Auditor General; developing rules, procedures and policies through staff rules and regulations, a staff code of conduct, a code of conduct for executive directors, financial regulations and a disbursement manual, and procurement rules; and establishing the Office of Integrity and Anti-Corruption in 2006. He noted the bank's zero tolerance policy towards corruption in all its operations and activities it funded.

He discussed the mandate of the Office of Integrity and Anti-Corruption in prevention and investigation of crimes. He highlighted preventive measures, including the development of measures to proactively reduce the potential for staff misconduct, fraud or corruption within the Bank Group; financing operations through risk assessments, sensitisation, outreach programmes, due diligence and

other activities; mainstreaming integrity issues in the Bank Group's operations and activities; and providing support to regional member countries.

Mr Bacarese stated that some of the investigative measures included conducting investigations into allegations of fraud, corruption, coercion, collusion, obstructive practices, corporate procurement or administrative budgets of the bank; and conducting investigations into all allegations of misconduct involving staff members. He stated that outcomes of investigations were transmitted under mechanisms elaborated under AfDB's sanctions process, to the President and administered under the bank's disciplinary framework.

He stated that the basis of MDBs' investigations and sanctions included a harmonised framework and consistent definitions of sanctionable practices and investigative procedures; mutual enforcement of cross-debarment decisions through recognition of one another's sanctions; and exchange of information for enhanced collaboration, through meetings of heads of investigations four times a year, meetings of heads of integrity/due diligence once a year, and collaborative presentations at international workshops and conferences.

He highlighted some of the bank's policies and procedures, including bank staff rules and policies; a Whistleblowing and Complaints Handling Policy; MDBs' Uniform Framework for Conduct of Investigations; and MDBs' Agreement on Enforcement of Mutual Cross Debarment Decisions. He also discussed the AfDB's Standard Operating Procedures for investigation, its investigative tools, and its hotline complaint and case management systems. He discussed the bank's two-tier independent sanctions regime, the principles on which it was anchored, and its appeal process.

He noted that the impact of sanctions included publication of debarment and cross-debarment; ineligibility for AfDB and other MDB financing; removal/withdrawal from a project; removal or debarment subject to conditions; sanctions which extended to affiliates; and national enforcement actions. He highlighted that default with one bank could result in punishment by the others, and could result in suspension from accessing funds over a period. He stated that restitution and penalties went towards the African Integrity Fund, while the bank also co-operated with national and international law enforcement.

Mr Bacarese concluded his presentation by stating that the AfDB was exploring the modalities of national enforcement actions. In particular, it was looking at how the bank could work with national law enforcement agencies in combating corruption. He also noted that while the Office of Integrity and Anti-Corruption only had administrative powers, those administrative powers were important and powerful.

Plenary

A delegate wanted to know whether Mr Bacarese had any experience on the use of ISO 370001 by governments to address the demand side of corruption risk. Mr Bacarese stated that he did not necessarily have experience with governments, but that the AfDB worked closely with governments on procurement issues. This was part of the AfDB's training to governments and in some AfDB technical assistance programmes. He stated that the AfDB was working with both the demand and supply sides of corruption risk, noting that once the AfDB debarred a company and it was subsequently cross-debarred by other MDBs, there were stringent and expensive conditions that a blacklisted company had to meet in order to be allowed to re-enter the market. Further, he stated that the AfDB was pushing for the adoption of ISO

standards by all 54 member countries, as a straightforward platform for them to apply their standards. He noted that some countries were effective in using ISO standards, while others were not, and that others were worried about electronic procurement systems.

'The Deployment of Blockchain Technologies in the Fight Against Corruption', Presentation by Dr Roger Koranteng, Head of Public Sector Governance, the Commonwealth Secretariat

Dr Koranteng provided some background of the emergence of blockchain technologies, noting that despite the potential such technologies held to transform the way government worked and to create trust in governments, the requirements and implications of blockchain in the public sector were yet to be fully understood. He noted that blockchain had the potential for key functions, such as the verification of identity, the registry of assets and the certification of transactions; ensuring the security and integrity of information; recording of assets, transfer value and tracking transactions in a decentralised manner; ensuring the transparency, integrity and traceability of data without a central authority to authenticate the information; and encrypting information on a shared database.

He stated that the two distinctive features that made blockchain technologies a potent tool against corruption were their provision of unprecedented information and record security levels, guaranteeing their authenticity through the elimination of opportunities for falsification and the risks associated with having a single point of management of data and elimination of data silos in traditional bureaucracies in which public entities were reluctant to share information among themselves. He further stated that blockchain technologies provided a transparent and decentralised system to record a sequence of transactions, or 'blocks', by creating an immutable trail of transactions, allowing for the full traceability of every transaction.

He also highlighted three prerequisites for blockchain applications, namely: the need for existing data to be accurate, the need to digitise registries, and the need to establish technology support services.

He emphasised that blockchain was particularly suited to fight corruption in the registry of assets and the tracking of transactions such as procurement processes. He stated that by leveraging a shared and distributed database of ledgers, blockchain technologies eliminated the need for intermediaries, cutting red-tape and reducing discretions. He noted that countries such as India, Dubai, the USA, Estonia, Moldova and Jamaica had started pilot testing a variety of blockchain-based applications to strengthen public integrity.

He stated that blockchain's decentralised nature and the immutability of its records made it a powerful tool in the fight against corrupt practices and crimes, such as illicit trade, human trafficking and money laundering. He pointed out that blockchain technologies had three important value propositions for combatting corruption, namely, verifying identity, registering assets, and tracking transactions. He stated that a set of blockchain applications to combat corruption should focus on automating and tracking high-risk transactions, such as public contracts, cash transfers and aid funds.

Dr Koranteng further noted that technology-driven solutions would provide transparency in public contracting, allowing one to detect red flags, bid-rigging, phantom vendors and price-fixing using advanced analytics. He further stated that blockchain technologies could add critical value to public contracting up to the delivery of the goods and services, by locking in critical information at every step of

the procurement chain that could be monitored, tracked and audited. He also stated that 'smart contracts', a transaction protocol intended to automatically execute, control or document legally relevant events and actions according to the terms of a contract or an agreement, would reduce the opportunities for interfering with the process and increase the speed of transactions.

He highlighted some of the limitations and challenges of blockchain technologies, including regulatory uncertainty, the limited scope of applications of blockchain-based solutions in the public sector, and the uncertain costs and scalability.

He stated that the potential of blockchain was enormous and held great promise to eliminate fraud, noting that records could be encrypted and stored across a network of computers, rather than in a central location, so they could not be altered or stolen, and that records, such as financial transactions, would be visible to the public and yet could not be altered. He further stated that blockchain technologies could be deployed for financial disclosure by public officials or in connection with bids by suppliers of goods and services, processes which were so often rife with opportunities for bribery and bid-rigging.

He concluded his presentation by urging the importance of keeping up with technological developments, including in the fight against corruption. He further stated that African countries should seize the promise of blockchain in fighting corruption and should actively start thinking about the applications of these technologies in combating corruption.

Plenary

A delegate wanted to know whether blockchain technology would lead to increased government bureaucracy in procurement. Dr Koranteng stated that while blockchain technology had the potential to reduce government bureaucracy, the biggest obstacle was that governments liked controlling everything and that such control bred corruption. He stated that adoption of blockchain technologies would not increase government bureaucracy, noting that, on the contrary, all they would require governments to do would be to make sure they had accurate data before such data was encrypted.

A delegate wanted to know how blockchain technologies could be embraced in developing countries with limited fiscal resources. Dr Koranteng acknowledged that investing in blockchain technologies was an expensive undertaking, but that just like with the adoption of other technologies, governments which failed to invest in blockchain technologies risked being left behind as other countries modernised their anti-corruption systems.

A delegate noted the opportunities presented by blue-chip technologies, but wanted to know about the threats such technologies posed. Dr Koranteng stated that blue-chip technologies did not pose threats per se, but that government officials were reluctant to embrace such technologies as the technologies would reduce the control they wielded.

A delegate wanted Dr Koranteng to explain further on the regulatory uncertainty around blockchain technologies. The delegate wanted to know whether the lack of government control over blockchain technologies would pose a risk. Dr Koranteng agreed that blockchain technologies posed a challenge to governments, because they required governments to cede some control – yet governments preferred to regulate everything. However, he stated that regulation generally, and overregulation in particular, increased corruption points.

A delegate wanted to know whether the adoption of blockchain technologies would create unemployment. Dr Koranteng stated that new technologies created new jobs, as they opened up new ground and fields of work. Accordingly, he stated that in his view, blockchain technologies would create more jobs.

A delegate wanted to know the extent to which African countries could reliably introduce blockchain, and securely store and utilise information, given the limited investment in ICT by many African countries' governments. Dr Koranteng acknowledged that limited investment in ICT posed a challenge to the adoption of blockchain technologies, but that the onus was on African governments to invest in technology and related technology infrastructure, including establishing technology universities.

Day 3: 9 September 2020

'Asset Declaration and Effectiveness for Fighting Corruption: International Perspective', Presentation by Dr George Larbi, Practice Manager, Governance Global Practice, South Asia Region, World Bank

Dr Larbi's presentation focused on assets and interests declaration (AID): the principles and practices for effectiveness. He argued that the starting point of good recovery was (effective) asset declaration. He stated that the World Bank had a Stolen Assets Recovery Unit, which had assisted member countries in recovering stolen assets.

He noted that public office holders were elected, appointed or employed to serve the public interest and that public office was public trust; but sometimes self-interest and actions of officials threatened the public interest. Accordingly, he stated that assets declaration was important, as a good declaration was an early warning system that also encouraged integrity and honesty, enabled transparency, and could become a separate vehicle for prosecution.

He stated that AID was a multipurpose tool, combining prevention and enforcement. He discussed the general framework for designing AID, including who should file, when and how AIDs should be filed, how frequently they should be filed, what should be declared, how verification should be done and what information should be made public.

Dr Larbi also discussed the key principles of AID, noting that AID should be part of integrated measures; the need for clarity of purpose of declarations; transparency and effective control of submissions; efficiency of the verification system being closely linked to the sanctioning regime; independence of the monitoring/verification authority; and clarity on access to registers versus privacy.

He stated that many countries were moving towards digitised systems, which he noted were easier to manage, make public and analyse. He also stated that many countries were connecting their database of declarations to tax authority records, customs, immigration, the police, the public accounts committee, the public prosecutor's office and other key agencies.

He concluded his remarks by noting that to make assets and interests declarations lead asset recovery, there it was necessary to have effective verification. The question then becomes how anti-corruption agencies should put in place an effective assets and interests declaration and verification system.

Country Reports

Seychelles: Presented by Ms May De Silva, Chief Executive Officer (CEO) of Seychelles Anti-Corruption Commission

Ms De Silva stated that Seychelles Anti-Corruption Commission was launched in 2017 and was therefore not able to report on seized and recovered assets yet. However, she noted that the commission had submitted cases to the Attorney General for prosecution. She gave statistics on the cases the commission had received since its inception and how it had dealt with the cases.

She also stated that Seychelles had amended various anti-corruption and asset recovery laws and had recently enacted the Anti-Money Laundering and Counter Terrorism Financing Act 2020, and a new Beneficial Ownership Act 2020. She said that with the assistance of the Commonwealth Secretariat, Seychelles had trained its officers in Botswana. The commission had also set up a victims of fraud fund to help victims of corruption.

Ms De Silva further discussed the challenges the commission faced as a new, under-resourced and understaffed agency. She explained that to address some of the challenges, the commission had outsourced asset recovery to a UK company, as outsourcing was more cost effective for Seychelles. She noted that other countries, such as the United Kingdom, Malta and the Netherlands, had successfully used the outsourcing model for asset recovery. She highlighted that an added advantage of outsourcing was that it eliminated conflicts of interests in the asset recovery process.

She went on to discuss other measures that the Commission had adopted, including working with international partners and seeking secondment of experts. She noted that the commission's partnership with Mauritius Anti-Corruption Commission had been very beneficial for Seychelles, and that the commission had also received technical support from the European Union (EU).

Tanzania: Presented by Mr George William Barasa, Director of Legal Services, Prevention and Combating Corruption Bureau (PCCB), Tanzania

Mr Barasa's report mainly focused on PCCB's asset recovery efforts. He stated that PCCB had a specific unit which specifically dealt with training and recovery.

He further discussed PCCB's achievements since the establishment of the Asset and Tracing Recovery Unit in 2014, including training officers on asset tracing, investigation and recovery; recovery of property worth 486 million Tanzanian shillings (TSh) in 2017–18 and a further TSh138.1 billion in 2019; and obtaining an order to freeze accounts worth TSh3 billion in an ongoing trial.

He also discussed various legislative amendments that had been enacted to facilitate the recovery of tainted property. In particular, he discussed amendments to the law to facilitate recovery of tainted property by recovering property of equivalent value. He noted that the provision was invoked when the property could not be located, where the property had changed ownership to a bona fide third-party buyer, where property had been placed in a foreign jurisdiction and could not be recovered, or where the property had been commingled with other lawful property, such that it became difficult to distinguish.

Mr Barasa stated that Tanzania did not have the non-conviction based asset recovery principle, but that there were certain limited circumstances where application of the principle was allowed.

He listed some of the challenges that PCCB faced, including inadequate financial resources, complex and lengthy legal procedures due to the conviction-based asset recovery principle, and pressure from the public.

He concluded his presentation by emphasising the importance of inter-agency co-operation in combating corruption.

Malawi: Presented by Mr Reyneck Thokozani Matemba, Director-General, Anti-Corruption Bureau, Malawi

Mr Matemba prefaced his address by noting that the recent change of government in Malawi had led to the Anti-Corruption Bureau receiving more corruption complaints

from the public. He stated that the bureau had responded by adopting new arrangements to deal with the increase in complaints received.

He stated that the bureau had set up a dedicated team targeting asset recovery and that it also had a unit that worked with the Office of the Public Prosecutor. He noted that the bureau was lobbying for the establishment of a Financial Crimes Court, to help deal with the backlog of corruption cases caused by the lack of specialised anti-corruption courts.

With regard to anti-corruption mechanisms, he stated that in 2019, the bureau launched a new anti-corruption strategy which provided for a new anti-corruption framework anchored on three objectives, namely, improving service delivery, strengthening the rule of law and strengthening integrity.

With regard to asset recovery, he stated that in addition to the newly formed unit within the Office of the Public Prosecutor, Malawi had enacted a revised Financial Crimes Act, which gave the bureau investigative powers and empowered it to undertake asset profiling.

Mr Matemba highlighted some of the bureau's successes in asset recovery, including the freezing of a number of bank accounts and restricting the sale of land and houses. He noted that the bureau's funding had been increased, allowing it to expand recruitment. He also noted that there was political will to fight corruption.

He pointed out some of the challenges that the bureau faced, including increased pressure due to enhanced public expectations, a lack of trained financial investigators and a lack of expertise in forensic financial investigations. He also stated that the bureau faced challenges in identifying and establishing ownership of assets. He stated that COVID-19 had also caused some challenges, especially regarding mutual legal assistance.

Plenary

A delegate wanted to know the importance of whistle-blower policies to asset recovery processes. Dr Larbi stated that a whistle-blower policy was very important for asset recovery. Further, he underscored the importance of having whistle-blower laws in place that made it illegal to reveal the identities of the whistle-blowers.

A delegate wanted to find out how financial investigations were conducted, especially in cash-based economies. Dr Larbi stated that cash transactions and informal transactions were difficult to track. However, he noted that this turned on the issue of transparency of declarations, the timing of the declarations, as well as their verification. He also stated that it would be important to embrace digital solutions to enhance anti-corruption efforts.

A delegate wanted to know what 'proportionate sanction' meant. Dr Larbi stated that a proportionate sanction should correspond to the amount stolen; it should neither be too light nor too oppressive when compared to the amount stolen. He stated that sanctions should be fair.

A delegate wanted to know what measures Seychelles had put in place to ensure credible and unbiased reports, since it had outsourced some of its functions. Mrs De Silva stated that the commission was in the process of entering into an agreement with Asset Reality, which would provide for sufficient means for monitoring by the commission and ensure the publication of unbiased reports.

A delegate wanted to know the extent of asset profiling in Malawi. Mr Matemba stated that the bureau undertook asset profiling during the currency of court

cases. However, he noted that they faced some challenges due to the emphasis on conviction-based asset recovery.

A delegate commended Tanzania's asset recovery success and wanted to know the steps that Tanzania's Corruption Prevention Bureau had taken to manage the recovered assets. Mr Barasa stated that Tanzania's laws required recovered assets to be surrendered to the Secretary of the Treasury.

A delegate wondered whether political will was the main impediment to the fight against corruption and that, if the fight against corruption was dependent on individual leaders, what would happen once such leaders left office. Mr Barasa stated that political will was important, but should also be accompanied by strong and efficient laws. Mr Larbi added there was also a need for strong officials willing to stand up to power. He underscored the importance of strong civil societies which could put pressure on governments.

'Asset Recovery Experience from the Frontline: Challenges and Opportunities', Presentation by Mr Ameachi Nsofor, Partner, Head of Africa, Insolvency and Asset Recovery, Grant Thornton UK LLP

Mr Nsofor's presentation focused on unexplained wealth orders – their development and implications of non-compliance, and the future of unexplained wealth orders. He stated that unexplained wealth orders were not a 'silver bullet' and should be used with other mechanisms.

He also addressed insolvency as a tool to fight corruption. He explained what it was, how it worked and areas in which countries could use insolvency practitioners. He used a case study his firm had handled to illustrate the working of insolvency as a tool to fight corruption.

He stated that Grant Thornton was the largest asset recovery firm in the UK. It had recovered assets worth more than US\$3 billion for creditors in 65 jurisdictions, which were mainly cross-border recoveries and usually involved an insolvency practitioner.

Mr Nsofor stated that anti-corruption agencies could use insolvency practitioners effectively on cross-border investigations, while remaining in control, and would therefore not need mutual legal assistance. He stated that in addition to givers and takers, corruption investigations also ought to consider facilitators. The use of insolvency practitioners allowed the 'piercing' of the corporate veil.

He then discussed opportunities and challenges in using insolvency practitioners to fight corruption. He noted that the key requirements for their effective use included: political will, co-operation across local law enforcement agencies, civil proceedings supporting criminal proceedings, the existence of an insolvency framework, stable governments, funding and fees, and private and public involvement.

He concluded his presentation by noting that there was nothing that insolvency practice did which contradicted or compromised other efforts to recover assets.

Rwanda: Presented by Hon. Anastase Murekezi, Rwanda Ombudsman, Rwanda

Hon. Murekezi discussed the establishment, powers and functions of the Office of the Ombudsman in Rwanda. He stated that the Government of Rwanda had undertaken several anti-corruption measures, coupled with immense political will, zero tolerance of corruption and public support.

He stated that the Office of the Ombudsman had been established as a leading institution in the fight against corruption by the Constitution of the Republic of Rwanda of 2003 (revised in 2015). He stated that the Ombudsman dealt with addressing injustice, complaints, combating corruption, and promoting integrity and transparency.

He highlighted some of the achievements of the Ombudsman, including the recovery of 300 million Rwandan francs from 2016 to 2020, and working with Transparency International to conduct a baseline study on the status of corruption in Rwanda, the results of which would inform Rwanda's anti-corruption policies and decision-making processes. He highlighted some of the key findings of the baseline study, such as that corruption was decreasing but that there were still some areas of concern – for example, in procurement.

Hon. Murekezi highlighted some of the lessons learned from the baseline study and from Rwanda's anti-corruption fight in general. These included that corruption existed in different sectors of activities, but at different levels; that people were aware of corruption and its bad effects, but not fully engaged in the fight against corruption; and that strategies to combat corruption should be based on the challenges, prevalence and its impacts as highlighted by the research.

He concluded his presentation by reiterating Rwanda's commitment to fighting corruption.

Mozambique: Presented by Mr Bernado Duce, Prosecutor and Provincial Anti-Corruption Bureau Director, Mozambique

Mr Duce discussed the establishment of Mozambique's Anti-Corruption Bureau (ACB) and noted that it was subordinate to the Department of Public Prosecution. He discussed its powers and functions, including some which were done jointly with the Department of Public Prosecution. His presentation mainly focused on the bureau's initiative to train trainers as a mechanism to action, with a view to multiplying knowledge sharing in terms of prevention and fighting against corruption.

He noted that due to being overwhelmed in recent years, the ACB adopted, through its Prevention Department, the practice of training trainers from public and private institutions, so that such training has become a mechanism for improving skills. He stated that the training of trainers aimed to involve public and private institutions in the fight against corruption, and to provide institutions from the public sector, private sector and civil society, with qualified human resources capable of promoting actions to prevent.

He explained the working of the initiative, including selection of the trainees and the themes for the trainings. He noted that 328 trainers were trained in 2019 to join an additional 448 who had been trained in previous years.

He stated that the training of trainers generated positive results. These included: greater internal capacity to disseminate anti-corruption messages; proactive identification of and taking corrective action in situations of risk, with a view to preventing crimes of corruption in the institutions from which the trainers came; greater involvement of public administration institutions in the process of fighting corruption; improvements in anti-corruption initiatives by civil society organisations, based on the knowledge acquired in training activities; and accelerated growth in numbers of public and private servants with knowledge and awareness of the need to stop corrupt practices.

Mr Duce highlighted some of the lessons learned from the programme. These included: the creation of greater interest in matters relating to the prevention and fight against corruption; exchange of experiences as a result of direct interactions with trainees from key sectors regarding the detection of corruption practices; and discovering of facts previously not identified as corruption by the trainees and their institutions.

In terms of recommendations for improvement, he stated that trainers' institutions of origin must monitor their performance and report the results to ACB. He also stated that trainers should encourage budgeting and implementation of actions to prevent corruption in their institutions.

He concluded his presentation by observing that the bureau mainly focused on preventive strategies to combat corruption.

South Africa: Presented by Mr Thulani Mkhungo, Chief Risk Officer, Special Investigation Unit (SIU), South Africa

Mr Mkhungo's presentation discussed the establishment, mandate and role of the Special Investigation Unit (SIU). He discussed SIU's achievements, including freezing orders obtained, amounts forfeited and amounts recovered. He also gave case profiles since 2003. In particular, he discussed the establishment of the Special Tribunal Court, which was established in response to the delays caused by pursuing corruption cases in the normal courts. He noted the tribunal's mandate to adjudicate upon SIU matters, issue suspension orders, interlocutory orders and interdicts, and that the tribunal was set to recover 14.7 billion rand (R).

He stated that most of SIU's investigations were on procurement, followed by maladministration and then employment corruption, in that order.

He also discussed SIU's strategy of focusing on vulnerable sectors, starting with the health sector through the Health Sector Anti-Corruption Forum, which was established in 2018 and launched in 2019.

Mr Mkhungo underscored the value of Commonwealth Secretariat, in particular through the establishment of the network of Heads of Anti-Corruption Agencies, which enabled collaboration and learning between various anti-corruption agencies (ACAs). He noted that through the Commonwealth Secretariat, SIU had successfully collaborated with the network on various skills development projects. These included, but were not limited to, hosting trainings for investigators and intelligence officers on two occasions, as well as hosting trainings on cyber forensics and financial investigations, asset forfeiture and asset tracing, and intelligence gathering and analysis training.

He concluded by discussing some of the innovative measures SIU had adopted to bolster the fight against corruption, including the establishment of an independent hotline and adoption of case management systems.

Plenary

A delegate wanted to know whether the mandate to investigate could come from other bodies aside from countries' ministries of justice. Mr Nsofor stated that lack of awareness and lack of ability were real issues, and that the ministries of justice should be the central body to co-ordinate other bodies. He stated that the key requirement was for all the concerned bodies to work in a co-ordinated manner.

A delegate wanted to know why it was difficult for government agencies to co-operate. Mr Nsofor stated that conflicts of interests were often at play, including

legacy conflicts. He stated that there were misplaced priorities and a lack of 'goal congruence'. He pointed out that all the bodies were acting on the state's behalf and that, accordingly, there was no reason why they should not work together. However, Heads of Government needed to call institutions to order, while requisite legislation also needed to be enacted to put all civil recovery under one body and criminal recovery under ministries of justice.

A delegate wanted to know how Mozambique measured the effectiveness of anti-corruption measures. Mr Duce stated that Mozambique measured the effectiveness of its anti-corruption measures in two ways, namely, through the number of complaints received and by conducting surveys.

A delegate wanted to know where Rwanda found the most resistance to corruption. Mr Murekezi stated that most resistance was in procurement, construction and land management. He noted that one grand corruption case could be one thousand times the value of a petty corruption case. He further stated that corruption was worse among private sector companies and that the big issue was not grand or petty corruption, but both.

A delegate wanted to know the difference between a system review and a corruption risk assessment. Mr Mkhungo stated that a system review looked at all areas of a system, while a risk assessment entailed inviting all stakeholders to come and evaluate together and provide feedback on corruption in different sectors.

A delegate wanted to know whether SIU used administrative sanctions or criminal sanctions or both. Mr Mkhungo stated that SIU took a multistakeholder approach and worked with the police, particularly on high-profile criminal cases.

A delegate wanted to know South Africa's take on the perception that nothing happened to politically connected people. Mr Mkhungo stated that SIU was aware of the perception. He stated that often, principals gave their subordinate officials verbal instructions and this often resulted in difficulties in arresting and prosecuting the principals. However, he stated that SIU was beginning to get closer to politically connected people and was confident of success.

Kenya: Presented by Mr Paul Mwaniki Gachoka, Commissioner, Ethics and Anti-Corruption Commission (EACC), Kenya

Mr Gachoka's presentation focused on the status of the fight against corruption in Kenya.

He gave an overview of the establishment and mandate of the Ethics and Anti-Corruption Commission (EACC), its staff complement, and the number of cases received annually. He stated that EACC was a constitutional commission with 750 employees and 11 regional offices. The commission received 3,500 complaints each year.

He highlighted some of EACC's achievements. These included securing high-profile convictions of senior government officials and a sitting Member of Parliament. He also noted that EACC had recovered US\$199 million in the last five years and had averted the loss of a further US\$960 million. He stated that the commission was pursuing cases worth US\$220 million, which had international dimensions.

He discussed the strategies deployed by EACC in combating corruption in Kenya. These included conducting high-impact investigations, asset tracing and recovery, prevention strategies and partnership approaches. He gave examples of achievements realised under each of these strategies.

He discussed some of the challenges EACC faced, including slow judicial processes, adverse court judgements and rulings, politicisation of corruption, inadequate resources, citizen apathy and an inadequate legal framework.

Mr Gachoka also discussed lessons learned, especially regarding the need to establish and maintain mutual legal assistance, institutional independence and developing new jurisprudence. He made recommendations to bolster the fight against corruption. These included strengthening international co-operation, conducting continuous lifestyle audits, and integration of processes in the criminal justice sector.

He concluded by noting the progress that Kenya had made in the fight against corruption, as demonstrated by the improved rankings in the World Bank Ease of Doing Business Index and Transparency International's Corruption Perception Index (CPI).

Sierra Leone: Presented by Mr Francis Ben Kaifala, Commissioner, Anti-Corruption Commission, Sierra Leone

Mr Kaifala noted that the Anti-Corruption Commission received 250 to 350 cases since 2018, which they handled through various strategies. He stated that not all cases were prosecuted and some were settled through non-conviction based asset recovery. He noted that the commission had a high conviction rate and had secured convictions in 30 out of the 36 cases it prosecuted in court.

He stated that asset recovery was one of the commission's key focus areas and that the commission had recovered US\$2.5 million worth of assets.

He stated that in terms of accountability, the commission had introduced a new amendment that enhanced the minimum sentences and penalties for corruption and corruption-related offences. The scope of corruption-related offences had also been widened in the Anti-Corruption Act.

Mr Kaifala highlighted some of the commission's achievements. These included: over the previous two years, recovering more than that recovered in the previous 18 years; setting up of a special anti-corruption court with five dedicated judges; introduction of a new strategy which focused on enforcement of anti-corruption laws; undertaking more reviews of ministries, departments and agencies; and increased public education, which had contributed to a jump in public confidence in the commission from 19 to 80 per cent.

He stated that the measures adopted had led to an improved ranking of Sierra Leone by various anti-corruption bodies, including in the Transparency International CPI.

He stated that the commission's surveys had established that it was the middle class who engaged in most corruption and that, accordingly, the commission was trying to balance the public desire for going for 'big fish' against going for those who committed the most corruption.

'Developing Organic Capabilities to Combat Corruption using Financial Investigations and Related Methodologies', Presentation by Mr Rylan Deelan, VP of Sales, Financial Asset Investigations and Recovery (FAIR), USA, and Mr Pete Platt, Financial Asset Investigations and Recovery (FAIR)

The presentation focused on the power of financial investigations in anti-corruption efforts. The presenters highlighted a high-profile case where the taskforce was able to recover the largest amount of money in the history of money laundering cases

(HSBC; US\$1.9 billion). The presenters stated that the recovery was possible due to Corruption and Financial Investigation (CFI) software.

The presenters stated that deferred prosecution agreements were often used because one could not put a corporation in jail. They noted that even if there was overwhelming evidence of financial crimes, proving to a jury that a single person or group of people directed and controlled the illegal activity could be difficult and costly.

They highlighted other examples of cases where use of CFI software was instrumental to the recovery of significant amounts of money. Such cases included the Minnesota Investment Fund US\$50 million Ponzi scheme and the Sheldon Silver case.

The presenters stated that early case assessments were critical for many reasons. They highlighted some of the important guiding questions to be whether there was a legitimate case that justified the cost of prosecution, the likelihood of convincing the jury, and whether there were sufficient leads that could be followed to find and recover assets and illicit proceeds of the crime.

The presenters also emphasised the importance of selecting and training the right people to investigate financial crimes. They noted that not all new or seasoned investigators had the aptitude to be good financial investigators.

They highlighted some of FAIR's successes. These included processing in eight weeks a case which would have taken the Inland Revenue Service 125 years to process, and identifying US\$2 billion in unreported assets in under 15 minutes.

They also highlighted the elements required for successful investigation, which included: improving financial crime laws, precedents and asset forfeiture provisions; financial investigation methodologies which produce overwhelming evidence; training personnel on knowledge of financial crime laws; the latest financial investigation methodologies, mentoring and practical experience; training and equipping personnel with advanced financial investigation technology to enable advanced analysis of large, complex investigations; and dismantling syndicates.

They concluded the presentation by emphasising that expertise in investigative methodologies and knowledge of all applicable laws, statutes and precedents must be developed through training and actual experience, and that equipping personnel with the proper training, technology and mentoring was the most direct way to create robust, organic anti-corruption capabilities.

Plenary

A delegate wanted to know how Kenya determined which cases qualified to be termed as 'high profile'. Mr Gachoka stated that high-profile cases related to high-ranking public officials, such as politicians. He stated that EACC also considered the amount of money involved, and the public interest.

A delegate wanted to know why Kenya had a reputation for many prosecutions but low asset recovery. Mr Gachoka stated that asset recovery cases took a long time in court, but that EACC had recently obtained favourable court judgments relating to asset recovery and was making better progress.

A delegate wanted to know how Sierra Leone's Anti-Corruption Commission was funded, noting that Sierra Leone was not a rich country. Mr Kaifala stated that the functioning of the commission was dependent on political will and that all the commission's funding came from the government. He also stated that the

commission worked with the UK Department for International Development (DfID) and the UN Development Programme (UNDP) and other international partners and donors.

A delegate wanted to know what made laws ineffective, despite being sufficient. Mr Kaifala stated that the problem was lack of enforcement and lack of declaration of assets. He highlighted that declaration of assets was now mandatory in Sierra Leone and that officials who failed to make declarations risked having their salaries withheld.

Annex 1: Programme

Monday 7 September 2020

TIME	TOPIC	Session 1
Chairperson		
H.E. Papa Owusu-Ankomah		
<i>Ghana High Commissioner to UK and Ireland, London, UK</i>		
09:00–09:02	Housekeeping	Dr Roger Koranteng <i>Head, Public Sector Governance Commonwealth Secretariat</i>
09:02 -09:07	Welcome remarks	Prof. Luis Franceschi <i>Senior Director Governance and Peace Commonwealth Secretariat</i>
09:07–09:12	Chairperson's Remark	HE Papa Owusu-Ankomah <i>Ghana High Commissioner to UK and Ireland</i>
09:12–09:17	Conference Overview	Dr Roger Koranteng <i>Head, Public Sector Governance Commonwealth Secretariat</i>
09:17–09:35	Keynote Address and Official Opening	Rt Hon. Patricia Scotland <i>Commonwealth Secretary-General</i>
09:35–09:45	Questions & Discussion	
09:45–10:00	Assessing Anti-Corruption Efforts in Africa	Samuel De Jaegere <i>Anti-Corruption Adviser Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna, Austria</i>
10:00–10:15	Questions & Discussion	
10:15–10:20	5 minute break	
Chairperson		
Dr Navin Beekarry		
<i>Director-General, ICAC, Mauritius</i>		
10:20–10:40	Country Reports (10 mins each)	Mr Tymon M Katlholo <i>Director General, Directorate on Corruption and Economic Crime (DCEC), Botswana</i> • Rev. Dr Dieudonné Massi Gams <i>Chairman – National Anti-Corruption Commission, Cameroon</i>

(Continued)

TIME	TOPIC	Session 1
10:40–10:55	Questions & Discussions	
10:55–11:15	Assessing Anti-Corruption Progress in Africa	Mr Paul Banoba <i>Africa Regional Adviser</i> <i>Transparency International</i> <i>Berlin, Germany</i>
11:15–11:25	Questions & Discussions	
Chairperson		
Mrs Rose N Seretse <i>Chief Executive Officer, BERA, Botswana</i>		
11:25–11:50	Country Reports (10 mins each)	<ul style="list-style-type: none"> • Mr Joseph Whittal <i>Commissioner, Commission on Human Rights and Administrative Justice, (CHRAJ), Ghana</i> • Mr Adedayo Kayode <i>Head of Department of Investigations, Independent Corrupt Practices and Other Related Offences Commission, Nigeria (ICPC)</i>
11:50–12:05	Questions & Discussions	
12:05–12:10	5 minute break	
12:10–12:20	Corruption and Political Stability	Prof. Luis Franceschi <i>Senior Director</i> <i>Governance and Peace Directorate</i> <i>Commonwealth Secretariat</i>
12:10–12:35	Questions & Discussions	
12:35–12:55	Integrity and Public Accountability in Rwanda: Key Lessons from a Success Story	Hon. Johnston Busingye <i>Minister of Justice and Attorney-General, Rwanda</i>
12:55–13:10	Questions & Discussions	
13:10–13:20	Conference Conclusion	Dr Roger Koranteng <i>Head, Public Sector Governance</i> <i>Commonwealth Secretariat</i>
End of Day 1		

Tuesday 8 September 2020

TIME	TOPIC	
Chairperson Dr Edward G Hoseah <i>Former Director-General, Prevention and Combatting of Corruption, Tanzania</i>		
09:00–09:05	Welcome, Introduction and Housekeeping	Dr Roger Koranteng <i>Head, Public Sector Governance Commonwealth Secretariat</i>
09:05–09:25	Understanding the Common African Position on Asset Recovery	Prof. B Owasanoye <i>Chairman, ICPC, Nigeria</i>
09:25–09:35	Questions & Discussions	
09:35–10:05	Country Reports (10 mins each)	<ul style="list-style-type: none"> • Mr Isswar Jheengut <i>Director, Corruption Prevention and Education Division, ICAC, Mauritius</i> • Ms Fauzat Mariam Wangadya <i>Deputy Inspector General of Government, Inspectorate of Government, Uganda</i> • Mr Umar Mohammed Hadejia <i>Ag. Director of Operation, Economic and Financial Crimes Commission (EFCC), Nigeria</i>
10:05–10:15	Questions & Discussions	
10:15–10:20	5 minute break	
Chairperson Mr Borocho Matsoso <i>Former Director-General, Directorate on Corruption and Economic Offence, Lesotho</i>		
10:20–10:40	Prosecuting Anti-Corruption Cases – Success ingredients or factors	Hon Justice Duncan Gaswaga <i>Chairman, Anti-Corruption Commission, Seychelles</i>
10:40–10:55	Questions & Discussions	
10:55–11:25	Country Reports (10 mins each)	<ul style="list-style-type: none"> • Mrs Rosemary Nkhuzwayo <i>Ag. Director-General, Anti-Corruption Commission, Zambia</i> • Mrs Christine Liswaniso <i>Ag Head of Public Education and Corruption Prevention, Anti-Corruption Commission, Namibia</i> • Adv. Moses Manyokole <i>Director-General, DCEO, Lesotho</i>

(Continued)

TIME	TOPIC	
11:25–11:40	Questions & Discussions	
11:40–11:45	5 minute break	
Chairperson		
Adv. Andy Mothibi		
Chief Executive and Head, Special Investigating Unit, Republic of South Africa		
11:45–12:00	Deploying Restitution in the Administrative Sanction Systems of MDBs for Asset Recovery	Alan Bacarese Director, Office of the Integrity and Anti-Corruption, African Development Bank
12:00–12:15	Questions & Discussions	
12:15–12:35	Deploying Blockchain Technologies in the Fight Against Corruption	Dr Roger Koranteng Head, Public Sector Governance Commonwealth Secretariat
12:35–12:50	Questions & Discussions	
12:50–13:00	Conference Conclusion	Dr Roger Koranteng Head, Public Sector Governance Commonwealth Secretariat
End of Day 2		

Wednesday 9 September 2020

TIME	TOPIC	
Chairperson		
Hon. Anastase Murekezi		
<i>Ombudsman of Rwanda, Office of the Ombudsman, Rwanda</i>		
09:00–09:05	Welcome, Introduction and Housekeeping	Dr Roger Koranteng <i>Head, Public Sector Governance Commonwealth Secretariat</i>
09:05–09:25	Asset Declaration and Effectiveness for Fighting Corruption: International Perspective	Dr George Larbi <i>Practice Manager, Governance Global Practice, South Asia Region, World Bank</i>
09:25–09:40	Questions & Discussions	
09:40–10:10	Presentations by Countries (10 mins each)	<ul style="list-style-type: none"> May De Silva <i>CEO, Anti-Corruption Commission, Seychelles</i> Mr George Barasa <i>Director of Legal Services, Prevention and Combating Corruption Bureau (PCCB), Tanzania</i> Mr Reyneck Thokozani Matemba <i>Director-General, Anti-Corruption Bureau, Malawi</i>

(Continued)

TIME	TOPIC	
10:10–10:20	Questions & Discussions	
10:20–10:25	5 minute break	
Chairperson		
Mr Kwasi Korankye Amoah		
<i>Former Executive Director, Economic and Organised Crimes Office, Ghana</i>		
10:25–10:45	Asset Recovery Experience from the Frontline: Challenges and Opportunities	Mr Amaechi Nsofor <i>Partner, Head of Africa, Insolvency and asset recovery, Grant Thornton UK LLP</i>
10:45–10:55	Questions & Discussions	
10:55–11:25	Country Reports (10 mins each)	<ul style="list-style-type: none"> • Hon. Anastase Murekezi <i>Rwanda Ombudsman, Rwanda</i> • Mr Bernardo Duce <i>Prosecutor and Provincial Anti-Corruption Bureau's Director, Mozambique</i> • Mr Thulani Mkhungo <i>Chief Risk Office, Special Investigating Unit, South Africa</i>
11:25–11:40	Questions & Discussions	
11:40–11:45	5 minute break	
Chairperson		
Mr Paulus Kalombo Noa		
<i>Director-General, Anti-Corruption Commission, Namibia</i>		
11:45–12:15	Country Reports (10 mins each)	<ul style="list-style-type: none"> • Mr Paul Mwaniki Gachoka <i>Commissioner, Ethics and Anti-Corruption Commission, Kenya</i> • Mr Francis Ben Kaifala <i>Commissioner, Anti-Corruption Commission, Sierra Leone</i>
12:15–12:30	Questions & Discussions	
12:30–12:45	Developing Organic Capabilities to Combat Corruption using Financial Investigations and Related Methodologies	Mr Ryan Deehan <i>VP of Sales, Financial Asset Investigations & Recovery (FAIR) USA</i>
12:45–13:00	Questions & Discussions	
13.00–13.10	Conference Conclusion	Dr Roger Koranteng <i>Head, Public Sector Governance Commonwealth Secretariat</i>
End of Day 3 and Closing		

Annex 2: List of Participants

Organisation/Country	Name/Position
Ghana	HE Papa Owusu-Ankomah Ghana High Commissioner to UK and Ireland
African Development Bank	Mr Alan Bacarese Director, Office of the Integrity and Anti-Corruption
Botswana	Mr Tymon M Katlholo Director General, Directorate on Corruption and Economic Crime (DCEC)
Cameroon	Rev. Dr Dieudonné Massi Gams Chairman – National Anti-Corruption Commission
Commonwealth Secretariat	Prof. Luis Franceschi Senior Director, Governance and Peace
Commonwealth Secretariat	Dr Roger Koranteng Head, Public Sector Governance
Commonwealth Secretariat	Rt Hon. Patricia Scotland Commonwealth Secretary-General
Ghana	Mr Joseph Whittal Commissioner, Commission on Human Rights and Administrative Justice (CHRAJ)
Grant Thornton UK LLP	Mr Amaechi Nsofor Partner, Head of Africa, Insolvency and Asset Recovery
Lesotho	Adv. Moses Manyokole Director-General, DCEO
Malawi	Mr Reyneck Thokozani Matemba Director-General, Anti-Corruption Bureau
Mauritius	Mr Isswar Jheengut Director, Corruption Prevention and Education Division, ICAC
Mozambique	Mr Bernardo Duce Prosecutor and Provincial Anti-Corruption Bureau's Director
Namibia	Mrs Christine Liswaniso Ag Head of Public Education and Corruption Prevention, Anti-Corruption Commission
Nigeria	Mr Adedayo Kayode Head of Department of Investigations, Independent Corrupt Practices and Other Related Offences Commission

Organisation/Country	Name/Position
Nigeria	Mr Umar Mohammed Hadejia Ag. Director of Operations of the Economic and Financial Crimes Commission
Rwanda	Hon. Johnston Busingye Minister of Justice and Attorney-General
Rwanda	Hon. Anastase Murekezi Rwanda Ombudsman
Seychelles	Hon. Justice Duncan Gaswaga Chairman, Anti-Corruption Commission
Seychelles	May De Silva Chief Executive Officer (CEO), Anti-Corruption Commission
Tanzania	Mr George Barasa Director of Legal Services, Prevention and Combating Corruption Bureau (PCCB)
Transparency International Berlin	Mr Paul Banoba Africa Regional Adviser
Uganda	Ms Fauzat Mariam Wangadya Deputy Inspector General of Government, Inspectorate of Government
United Nations Office on Drugs and Crime	Samuel De Jaegere Anti-Corruption Adviser Corruption and Economic Crime Branch
World Bank	Dr George Larbi Practice Manager, Governance Global Practice, South Asia Region
Zambia	Mrs Rosemary Nkhuzwayo Ag. Director-General, Anti-Corruption Commission
South Africa	Mr Thulani Mkhungo Chief Risk Officer, Special Investigating Unit
Kenya	Mr Paul Mwaniki Gachoka Commissioner, Ethics and Anti-Corruption Commission
Sierra Leone	Mr Francis Ben Kaifala Commissioner, Anti-Corruption Commission
Financial Asset Investigations & Recovery (FAIR), USA	Mr Ryan Deehan Vice President of Sales
Financial Asset Investigations & Recovery (FAIR), USA	Mr Pete Platt JD, CFI

Annex 3: Chairperson and Speaker Biographies and Profiles

DAY 1–7 September 2020

The Rt Hon. Patricia Scotland QC, Secretary-General of the Commonwealth



Patricia Scotland was born in the Commonwealth of Dominica. She is the tenth of twelve children and grew up in London. She completed her LLB (Hons) at London University at the age of 20 and was called to the Bar at Middle Temple at the age of 21.

Her career has been marked by achieving a number of extraordinary firsts, not least of which was to be the first woman in the more than 700-year history of the office to serve as Her Majesty's Attorney-General for England and Wales and for Northern Ireland.

While holding these and other senior ministerial offices, she was given responsibility, inter alia, for gender equality, domestic violence, forced marriage and international child abduction, and from these positions promoted diversity and equality of opportunity, particularly for women and girls.

As the only woman to have been appointed Secretary-General of Commonwealth, she is placing special emphasis on mobilising the 54 nations of the Commonwealth to tackle climate change – including its disproportionate impact on women – and, through women's enterprise, to build the resilience of smaller or more vulnerable countries. Eliminating domestic violence and violence against women and girls is another area of focus.

Professor Luis Franceschi, Senior Director, Governance and Peace Directorate, Commonwealth Secretariat



Prof. Luis G Franceschi is the Senior Director, Governance and Peace, at the Commonwealth Secretariat. He was the founding Dean of Strathmore University Law School, one of the most reputable and innovative law schools in Africa. As a thinker, educator and writer, he loves positive and disruptive innovation. He was the recipient of the 2019 legal excellence CB Madan Award and the 2018 Utumishi Bora National Award. In 2019, he was a visiting scholar at the

University of Oxford and UC Berkeley Law School. He has been a legal adviser to several national and international government agencies, international and regional courts, the United Nations and the World Bank. He is a Kenyan citizen and now resides in London.

Dr Roger O Koranteng, Head, Public Sector Governance, Commonwealth Secretariat



Dr Roger Koranteng is the Head, Public Sector Governance, Commonwealth Secretariat, London, UK. Dr Koranteng has, over the years, established and strengthened governance and anti-corruption institutions around the world. His accomplishments include in 2011, he led the Commonwealth Secretariat to establish a successful and vibrant Association of Anti-Corruption Institutions in Commonwealth Africa, to promote inter-agency collaboration and learning through the sharing of experiences and best practice to promote good governance and development. In 2013, he established

the Commonwealth Africa Anti-Corruption Training Centre in Botswana, which builds and strengthens the capacity of anti-corruption and public sector institutions in Commonwealth Africa. In 2015, he established the Association of Integrity Commissions and Anti-Corruption Bodies in the Commonwealth Caribbean. In 2017, he established the Regional Training Centre of Excellence in Grenada for the Caribbean Region. In 2018, Dr Roger Koranteng's work in the Commonwealth was recognised and he was selected as winner of the prestigious International Anti-Corruption Excellence Award (Innovations). He holds a PhD (public policy), University of Birmingham, UK; MA degree (public policy and administration), Institute of Social Studies, The Hague, Netherlands; a postgraduate diploma in public administration, GIMPA, Ghana; a postgraduate diploma in environmental Studies, University of Oslo, Norway; and BA (Hons) University of Ghana, Accra, Ghana.

Chairperson – HE Papa Owusu-Ankomah, High Commissioner, Ghana High Commission



Papa Owusu-Ankomah is currently Ghana's High Commissioner to the United Kingdom and Ireland, having been appointed in June 2017. He is a lawyer by profession and was called to the Bar in Ghana in November 1981. He was a Member of the Parliament of Ghana for a period of 20 years and served as Deputy Majority Leader, Deputy Minister for Government Business and as minister with a plethora of portfolios. These included Attorney-General and Minister of Justice, the Interior, Education, Science and Sports, Trade and Industry.

Prior to his election to Ghana's Parliament, he was in private legal practice with specialisation in commercial and corporate law. He has been a Lecturer in Law at Takoradi Polytechnic, the premier polytechnic in Ghana and presently one of Ghana's technical universities. He was also for many years the Solicitor for the Sekondi-Takoradi Metropolitan Assembly, the local governing authority of the third largest city in Ghana.

He is a recipient of the Ghana national honour of the Order of the Volta Companion (OVC), for distinguished public service in 2008.

Mr Samuel De Jaegere, Anti-Corruption Adviser, UNODC



Mr Samuel De Jaegere works as Anti-Corruption Adviser at UNODC HQ in Vienna (Austria). He has worked on human rights, democratic governance and anti-corruption for the United Nations for more than 15 years around the world. He has organised global expert group meetings, including on Principles for Anti-Corruption Agencies in Jakarta, Indonesia (2012), on the Jakarta Principles in Colombo, Sri Lanka (2018), on Transparency in Political Finance in Prague, Czechia (2019), and on Corruption involving Vast Quantities of Assets in Lima, Peru (2018) and Oslo, Norway (2019). He has served as Regional Anti-Corruption Adviser in Asia (2008–13) and in West and Central Africa (2013–18). He is a

licensed jurist with a master's degree in human rights and democratisation from the European Inter University Centre in Venice, Italy.

Chairperson – Dr Navin Beekarry, Director-General, ICAC, Mauritius



Dr Navin Beekarry is the Director-General of ICAC, Mauritius. He is a lawyer and an expert in the fields of anti-corruption, anti-money laundering, asset recovery and terrorism financing. He has had a rich career locally and has wide international experience, having worked in many countries. He has worked for the International Monetary Fund (IMF), the World Bank, UNODC and the G20. He was the first Commissioner of ICAC. He has also been the Assistant Solicitor General and Acting Director of Public Prosecutions in Mauritius.

He holds a PhD in law from the George Washington University, Washington DC, USA, and an LLM from the London School of Economics.

Mr Tymon Katlholo, Director General, Directorate on Corruption and Economic Crime, Botswana



Mr Tymon Motlhasedi Katlholo is the Director General of the Directorate on Corruption and Economic Crime (DCEC) Botswana. He has been reappointed to head DCEC, effective 1 September 2020.

Mr Katlholo has a distinguished career in the public service and has vast experience in the field of criminal investigation, good governance, fraud and corruption prevention. He is a founder member of the Directorate on Corruption and Economic Crime, which he joined in 1994 as its

Deputy Director. He later became the first local to head the Directorate in 1997 until his retirement in 2009. Since his retirement, he has supported a number of countries on issues of fraud and corruption.

Rev. Dr Dieudonné Massi Gams, Chairman, National Anti-Corruption Commission, Cameroon



Rev. Dr Dieudonné Massi Gams was appointed Chairman of the National Anti-Corruption Commission of Cameroon on 14 July 2011, after serving as Vice-Chairman for four years.

Dr Massi holds a master's in theology from the Faculty of Protestant Theology in Louisville Presbyterian Theological Seminary and a doctorate degree in theology from the Faculty of Protestant Theology of Yaounde. Rev. Dr Dieudonné Massi Gams is also a Lecturer of Theology at several universities.

Mr Paul Banoba, Africa Regional Adviser, Transparency International



Mr Paul Banoba works at Transparency International as Africa Regional Adviser. He advises on anti-corruption, governance and institutional reforms. Mr Banoba previously worked at the Panos Institute as Head of the East Africa team of the Panos Global AIDS Programme. At the Panos Institute, he led interventions on governance and accountability in response to various development challenges in Africa. His current work includes a focused engagement on Africa's anti-corruption commitments through the African Union.

Chairperson – Mrs Rose N Seretse, Chief Executive Officer, Botswana Energy Regulatory Authority



Ms Rose Nunu Seretse is a graduate of Ferris State University in Michigan, USA, with a BSc in Construction Engineering and Management. She holds a master's in Public Administration from the University of Botswana Public Policy. She is a certified ethics officer, governance specialist and is now interested in regulation. Her career in the public service spans for 29 years, after she retired as Director General of the Directorate on Corruption and Economic Crime.

She is a winner of several awards, including Africa's most Influential Women, a Commonwealth Award and Presidential Order of Honour. She is a governance specialist and is now focusing on regulation.

Mr Joseph Whittal, Commissioner, Commission on Human Rights and Administrative Justice (CHRAJ)



Mr Joseph Akanjolenur Whittal was appointed as the Commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ) by the President, in accordance to the 1992 Constitution.

Prior to his appointment as Commissioner, Mr Whittal served as CHRAJ Deputy Commissioner. The CHRAJ Commissioner from 2012 to date was appointed as a member of the Steering Committee on the Open Government Initiative (OGPI); and from 2008 to 2012, he was a Director of Legal and Investigations at the commission's head office, Accra.

Mr Adedayo Kayode, Head of Department of Investigations, ICPC, Nigeria



Mr Adedayo Kayode serves as the Director of Asset Tracing, Recovery and Management at the Independent Corrupt Practices and Other Related Offences Commission (ICPC) in Nigeria.

Prior to Mr Kayode's appointment, he served as the pioneer Head of the Financial Investigation Unit, a position he held until February 2015 when he was elevated to the position of substantive Head of Department for Investigation. He left on secondment as Director, Special Tax Investigation, with the Federal Inland Revenue Service for a period of two years in 2018. After this, he returned to ICPC and assumed the position of Director, Asset Tracing, Recovery and Management, in May 2020.

Hon. Johnston Busingye, Minister of Justice/Attorney General, Republic of Rwanda



Johnston Busingye has been the Rwandan Minister of Justice and Attorney General since May 2013. He has served in Rwanda's public service since August 1994, in particular in the justice sector. Here he has successively served as: National Prosecutor; a member of Rwanda's pioneer Law Reform Commission; a Permanent Secretary in the Ministry of Justice; and a Principal Judge of the East African Court of Justice

Hon. Busingye studied law and legal practice at Uganda's Makerere University and Law Development Centre respectively. He also studied management of political and economic reform at the Kennedy School of Government, Harvard.

DAY 2–8 September 2020

Chairperson – Dr Edward Gamaya Hoseah, Former Director-General, Prevention and Combatting of Corruption, Tanzania



Dr Edward Gamaya Hoseah has worked in the public sector for more than 35 years. He holds a PhD (law) from the University of Dar es Salaam (2007), focusing on law of evidence.

Dr Hoseah has a distinguished career in the Anti-Corruption Bureau in Tanzania, East Africa, SADC region and Africa, where he served as the Director-General of the Anti-Corruption Bureau, the President of East Africa Anti-Corruption Authorities, the SADC (SAFAC) Anti-Corruption Authorities as their Chairperson, and Chair of the AU Board on Corruption (2011–12). He also served as Vice

President of the International Anti-Corruption Authorities (IAACA; 2012–15).

Prof. Bolaji Owasanoye, Chairman, Independent Corrupt Practices and Other Related Offences Commission (ICPC), Nigeria



Prof. Bolaji Owasanoye is Chairman of the Independent Corrupt Practices and Other Related Offences Commission, the first and pioneer anti-corruption and integrity institution in Nigeria. He is the first Taslim Elias Distinguished Professor of Law at the Nigerian Institute of Advanced Legal Studies and a Fellow of the Chartered Institute of Arbitrators of Nigeria.

Mr Owasanoye has served as Executive Secretary of the Presidential Advisory Committee Against Corruption. In this capacity, he co-ordinated advisory and strategic work, and led the preparation of key policy and anti-

corruption strategy interventions of the government, including the asset recovery policy, whistle-blower policy and the framework for management of recovered assets.

He has been Secretary of the National Working Group on Review of Investment Laws in Nigeria under the auspices of the Federal Ministry of Justice, and chaired the Economic Community of West African States (ECOWAS) Committees on Drafting of the Community Investment Code and Community Investment Policy. He has also served as a member of the African Union Committee on the Draft of the Pan African Investment Code. He prepared the framework for draft of the Common African Position on Asset Recovery and was part of the team that facilitated its adoption at the AU. He is a member of the High Level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda, an initiative of the President of the General Assembly and the President of the Economic and Social Council.

He is co-founder of Human Development Initiatives (HDI), a not-for-profit and consulting organisation. Together with other leading organisations, HDI implemented the Stop Impunity Nigeria Campaign, focusing on eliminating impunity in public finance management.

Mr Owasanoye holds a Bachelor of Laws degree from the University of Ife and a Master of Laws from the University of Lagos.

Mr Isswar Jheengut, Director, Corruption Prevention and Education Division, ICAC, Mauritius



Mr Isswar Jheengut has been the Director of the Education and Prevention Division of the Independent Commission Against Corruption (ICAC) since 2012. Among others, he is responsible for the planning, organisation and implementation of education and prevention interventions for various stakeholders in terms of sensitisation sessions, empowerment workshops, and development of prevention tools and guides. He is also responsible for the establishment and sustaining of collaboration and networking among stakeholders, and establishing links with regional and international partners in the fight against corruption.

He has acted as Director-General of the ICAC on several occasions in the absence of the Director-General.

Ms Fauzat Mariam Wangadya, Deputy Inspector General of Government, Uganda



Ms Mariam Wangadya was appointed Deputy Inspector General at the Inspectorate of Government in the Republic of Uganda in 2013. Prior to this assignment, Ms Wangadya served as the Uganda Human Rights Commissioner, a position she held from 1996 to 2013.

Prior to this assignment, she was a Commissioner with the Uganda Human Rights Commission, a position she held from 1996 to 2013.

Ms Wangadya is an advocate of the High Court of Uganda. She is passionate about protecting human rights at all levels and specifically, the rights of women.

She is a mother, a counsellor and a mentor. She has a great sense of humour.

Mr Umar Mohammed Hadejia, Ag. Director of Operations of Economic and Financial Crimes Commission (EFCC), Nigeria



Assistant Commissioner of Police (ACP), Mr Umar M Hadejia, is a professional police officer with a special interest in financial crimes and investigation. Mr Hadejia served as Head of the Economic Governance Section at Lagos Zonal Office and Head of EFCC Abuja Zonal Office. He is currently the Ag. Director of Operations of the Economic and Financial Crimes Commission.

He has a BSc and a master's degree in Business Administration. He is a Member of the International Association of Chief of Police, as well as a Member of the Nigerian National Institute of Management.

Chairperson – Mr Borotho Matsoso, Former Director General, Directorate on Corruption and Economic Offences (DCEO), Lesotho



Mr Borotho Matsoso, a lawyer and a police officer by profession, is the former Director General of the Directorate on Corruption and Economic Offences (DCEO).

He acquired Bachelor of Arts in law at the National University of Lesotho, and thereafter acquired an LLB qualification at the same institution. He is a holder of a postgraduate certificate in corruption studies from the University of Hong Kong, and a postgraduate certificate in criminal justice and police

management from the University of Leicester, UK.

He became the first and founding Director General of the Directorate on Corruption and Economic Offences in Lesotho, where he served for a period of five years, before joining the Lesotho Revenue Authority as Head of the Investigation Division of the Authority.

The Hon. Justice Duncan Gaswaga, Chairman, Anti-Corruption Commission, Seychelles



The Hon. Justice Duncan Gaswaga is currently the Chairman of the Anti-Corruption Commission of the Republic of Seychelles, a Judge at the Commercial Division, and a Fellow of the Commonwealth Judicial Education Institute in Canada. Justice Gaswaga previously served as an expatriate Judge of the Supreme Court and the Constitutional Court of Seychelles and a Visiting Professional at the International Criminal Court, The Hague. His Lordship was the first General Secretary of the East African Magistrates and Judges' Association.

Mrs Rosemary Nkhuzwayo, Ag. Director-General, Anti-Corruption Commission, Zambia



Mrs Rosemary Nkhuzwayo is currently acting as the Director-General for Anti-Corruption Commission, Zambia. Between 2015 and 2018, she held the position of Deputy Director of Public Prosecutions. Between 2013 and 2015, she was Senior Research Advocate for a Supreme Court judge. Between 2011 and 2012, she worked as Legal Counsel for the Zone 6 African Games Project. Between 1997 and 2018, she also worked at the Office of the Director of Public Prosecutions, holding various positions. In 1997, she was admitted to the Bar.

Mrs Christine Liswaniso, Ag. Head of Public Education and Corruption, ACC, Namibia



Mrs Christine Mulemwa Liswaniso is the Acting Head of the Directorate of Public Education and Corruption Prevention and serves as the Head of the Secretariat for National Anti-Corruption Strategy and Action Plan.

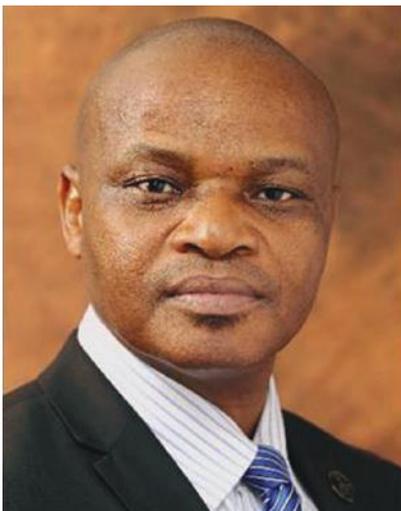
She possesses a master's degree in philosophy, postgraduate degree in HIV/AIDS management, a bachelor degree in social science and a degree in social work.

Adv. Moses Manyokole, Director-General, DCEO, Lesotho



Adv. Moses Manyokole is currently the Director-General of the Directorate on Corruption and Economic Offences (DCEO) in Lesotho. He is holder of LLB degree from the National University of Lesotho and is an Attorney of the High Court of Lesotho and an Advocate in the Republic South Africa. He worked at the Lesotho Revenue Authority in July 2019. He previously served as Head of the Department of Debt Recovery in the Lesotho Revenue Authority (LRA), before he acted for almost a year as an Enforcement Commissioner within LRA.

Adv. Lekgoa Mothibi, Head of Special Investigating Unit, South Africa



The Head of the Special Investigating Unit (SIU), Adv. Lekgoa Mothibi was appointed by the President of South Africa with effect from May 2016.

In October 2013, Adv. Mothibi was appointed as an Executive Director at Medscheme Holding, a subsidiary of AfroCentric Health. He was also accountable for the Medscheme Road Accident Fund Business Unit.

At AfroCentric Group, he championed the successful implementation of the AfroCentric Enterprise Risk Management Framework.

Mr Alan Bacarese, Director, Office of integrity and Anti-Corruption, African Development Bank



Mr Alan Bacarese is the Director of Integrity and Anti-Corruption in the African Development Bank. Mr Bacarese specialises in corruption (domestic and trans-national), money laundering, mutual legal assistance and fraud, with a wealth of experience as a former UK Senior Crown Prosecutor and the first Head of Legal and Case Consultancy at the International Centre for Asset Recovery, Basel, Switzerland.

Mr Bacarese has authored many books and papers and is a co-author of the leading UK legal textbook on *Corruption and Misuse of Public Office* (Oxford University Press, 3rd edn, published October 2017) and *The Counter Fraud Practitioners Book* (Gower Publishing).

DAY 3–9 September 2020

Chairperson – Hon. Anastase Murekezi, Ombudsman of Rwanda



Hon. Murekezi is an Agronomist Engineer from the University of Louvain-La-Neuve, Belgium, with experience and expertise in good governance, socioeconomic development, policy analysis, planning, and monitoring and evaluation.

Hon. Murekezi's professional experience includes being Rwanda's Ombudsman in 2017 and Prime Minister of the Republic of Rwanda from 2014 to 2017. He also served as Minister of Public

Service and Labour (2008–14), Minister of Agriculture and Animal Resources (MINAGRI) (2005–08) and Minister of State in charge of Industry and Investments Promotion (2004–05). Prior to his time in government, he was a consultant in agribusiness (1999–2004) and from 1980 to 1999 held technical positions in MINAGRI including Young Agricultural Engineer, Director of Project and Director General to Secretary General.

Dr George Larbi, Practice Manager, Governance Global Practice, South Asia Region, World Bank



Dr George Addo Larbi is Practice Manager for Governance in the World Bank's Equitable Growth, Finance and Institutions Practice Group in the South Asia Region. He leads and manages staff, analytical and advisory work, and operations in public sector governance and financial management.

Before joining the World Bank, Dr Larbi taught in the School of Public Policy, University of Birmingham, UK.

Ms May De Silva, Chief Executive Office, Anti-Corruption Commission, Seychelles



Ms May De Silva is a Seychelloise who serves as the Chief Executive Officer of the Anti-Corruption Commission Seychelles.

Ms De Silva is an alumna of the University of Ulster, where she obtained her diploma in management practice and a postgraduate degree after studying management and executive leadership. She has worked in management and financial fields in the private, public and non-governmental sectors in both Seychelles and the UK for over 27 years.

In February 2019, Ms De Silva was appointed a member of the National Anti-Money Laundering and Counter Terrorism Finance Committee (AML/CFT) and was a member of the team who worked on the revised Seychelles AML/CFT and BO Acts 2020. She was appointed by President Faure to the Commission of Inquiry on 15 June 2020 on financial matters concerning the Liquidation (winding up) of the former Plantation Club, Seychelles.

Mr George Barasa, Director of Legal Services, Prevention and Combating Corruption Bureau, Tanzania



Mr George William Barasa is the Director of Legal Services at the Prevention and Combating of Corruption Bureau ('the Bureau'). Prior to joining the Anti-Corruption Body, he was a State Attorney working at the Attorney General's Office Division of Public Prosecutions. Here he was specifically assigned to deal with matters of crime of a transnational nature and international co-operation in criminal matters. During his time there, his daily routine, apart from attending court sessions, involved advising on issues of mutual legal assistance, extradition and asset recovery. At numerous times he was tasked to co-ordinate high-profile investigations.

Mr Reyneck T Matemba, Director-General, Anti-Corruption Bureau, Malawi



Mr Matemba is the Director-General of the Anti-Corruption Bureau (ACB), Malawi. He was appointed to this position in October 2017, having worked as the Deputy Director-General from October 2013.

Before his appointment to the ACB, he worked in the Ministry of Justice and Constitutional Affairs. Here he held different positions, including Senior Assistant Chief Legal Aid Advocate, Assistant Chief Legislative Counsel, as well as the position of Administrator General.

Mr Matemba also works as a public prosecutor and has successfully prosecuted a number of corruption offences and other financial crimes such as money laundering and fraud.

Mr Matemba holds a master of laws degree in legislative studies obtained from the University of London (Institute of Advanced Legal Studies); a bachelor of laws (honours) degree from Chancellor College, University of Malawi, and a number of professional qualifications, including a certificate in legislative drafting obtained from the Royal Institute of Public Administration in London, UK, and another certificate in legislative drafting from the Ghana Law School in Accra, Ghana.

Mr Amaechi Nsofor, Partner, Head of Africa, Insolvency and asset recovery, Grant Thornton UK LLP



Mr Amaechi Nsofor is a Partner in Grant Thornton UK LLP's Insolvency and Asset Recovery team. His team has pioneered the use of insolvency powers globally to litigate, trace and recover assets. As the world's largest team, it has a unique and specialist platform to support African sovereign states.

Mr Nsofor is at the forefront of the drive to develop insolvency and asset recovery in Africa, working alongside the World Bank and featuring regularly as a speaker at seminars.

Mr Nsofor has provided feedback to the UK government on trade policies and sits on the board of the UK's Institute of Directors.

Mr Bernardo Duce, Prosecutor and Provincial Anti-Corruption Bureau's Director, Mozambique



Mr Duce is the Director of the Sofala Provincial Office for Combating Corruption in the centre of the country, where he has served since 2018. From 2011 to 2018, he worked as a prosecutor at the Central Office for Combating Corruption.

Mr Duce also worked as a prosecutor in criminal common areas. He completed his initial training for entry into the Judiciary and Public Prosecution in 2004 and was awarded a law degree from the Faculty of Law of the Catholic University of Mozambique in 2005.

Mr Thulani Mkhungo, Chief Risk Officer, Special Investigating Unit, South Africa



Mr Thulani Mkhungo is a Chief Risk Officer. He joined the Special Investigating Unit in February 2016 as the Head of Internal Risk and Governance, where he successfully established the Enterprise Risk Management and Internal Audit Unit. In November 2018, he was appointed as the Chief Risk Officer at the SIU.

One of his greatest achievement in his current position was the Sector Vulnerability Risk Assessment. Here the health sector was identified as one of the country's most important vulnerable sectors through

Corruption Risk Assessment. This led to the establishment of the Health Sector Anti-Corruption Forum, which was official launched by the President of the Republic of South Africa on 1 October 2019.

Chairperson – Mr Paulus Kalombo Noa, Director-General, Anti-Corruption Commission, Namibia



Since 2005, Mr Paulus Kalombo Noa has served as the Director General of the Anti-Corruption Commission (ACC) of Namibia. He previously worked as a Judicial Officer in Namibia, before he was nominated by HE Hifikepunye Pohamba, then President of the Republic of Namibia, for appointment by the National Assembly as Director-General of ACC in 2005.

Previous posts include being a member of the African Union Advisory Board against Corruption for the period 2017–18 and serving as the Chairperson of the Southern African Forum Against Corruption (SAFAC) from 2011 until October 2012.

The Fifth Conference of States Parties to the United Nations Convention Against Corruption held in Panama in 2013 elected him to serve in the portfolio of the Vice-President of the Conference, representing the African Region for the period 2013 to 2015.

Mr Paul Mwaniki Gachoka, Commissioner, Ethics and Anti-Corruption Commission, Kenya



Mr Paul Mwaniki Gachoka is a Commissioner at the Ethics and Anti-Corruption Commission of Kenya (EACC). Commissioner Gachoka is an Advocate of the High Court of Kenya, with 25 years standing, and is a seasoned practicing Arbitrator handling disputes relating to construction, commercial and labour issues.

He is a fellow of the Chartered Institute of Arbitrators and an accredited Mediator. He served as a Director in the Board of Concord Insurance Company Limited; and further, a Council Member of the Law Society of Kenya.

Commissioner Gachoka was admitted to the Bar as an Advocate of the High Court of Kenya, having graduated with a Bachelor of Laws from the University of Nairobi. He is also a holder of a Master of Arts in philosophy and ethics from Strathmore University.

Mr Francis Ben Kaifala, Commissioner, Anti-Corruption Commission, Sierra Leone



Mr Francis Ben Kaifala is the Commissioner of the Anti-Corruption Commission of Sierra Leone and President of the network of Anti-Corruption Institutions in West Africa (NACIWA). He is a household name at the Sierra Leone Bar and has served as the Public Relations Officer and Spokesman of the Sierra Leone Bar Association.

Mr Kaifala holds the interdisciplinary LLM (Master of Laws) in law and economics jointly awarded by the School of Law and the School of Economics and Finance at Queen Mary, University of London, United Kingdom.

Mr Ryan Deehan, VP Sales, FAIR Financial Investigations



Mr Ryan Deehan has worked with FAIR since its founding and AIT (FAIR's parent) since 2014. His main focus has been working with clients to understand the investigative challenges they are facing throughout the different phases of financial investigations. He has taken this knowledge and helped find successful solutions to the different challenges with technology, solutions engineering, investigative training and support.

Mr Pete Platt, JD, CFI



Mr Pete Platt has 46 years' experience conducting, supervising and developing training programmes for financial investigations. His positions include Senior Investigator, US Department of Justice – Organized Crime Drug Enforcement Task Force, and Senior Supervisory Agent, Internal Revenue Service – High Intensity Drug Trafficking Area Task Force in Los Angeles, CA.

Mr Platt was the resident course developer and instructor at the IRS National Criminal Investigation Training Academy. He developed and taught anti-

money laundering and the Bank Secrecy Act investigative methodologies to basic and advanced IRS Special Agents. As a member of AIT's expert training team, Mr Platt has developed and presented money laundering investigation methodologies, including trade-based money laundering, asset forfeiture laws and investigative procedures. He has a law degree from the Thomas Jefferson School of Law and is a Certified Fraud Investigator.

Annex 4: Papers and Country Reports

Day

Assessing Anti-Corruption Efforts in Africa – Samuel De Jaegere



Assessing Anti-Corruption Efforts in Africa.
by Samuel De Jaegere, Anti-Corruption Advisor, UNODC



The UNCAC Implementation Review Mechanism in Africa

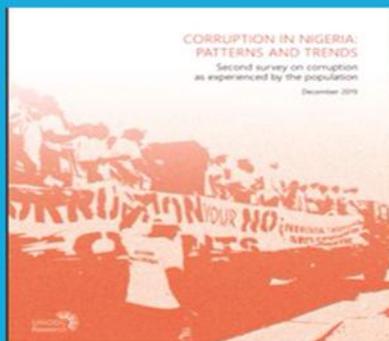


52 States parties under review – reports available online:
<https://www.unodc.org/unodc/en/corruption/country-profile/index.html>

Regional trends from the UNCAC country reviews

- Whistle-blower protection
- Public procurement
- Resource allocation
- Independence of anti-corruption bodies
- Ethics and integrity training to public officials
- Transparency in political finance
- Asset disclosure for public officials
- Independence of the judiciary
- Non-conviction-based confiscation regime

Support for national household surveys in Africa



- 33,000 households in Nigeria in 2019
- National Bureau of Statistics
- Slight decrease in bribery prevalence since 2016
- Average of paying a bribe every two months
- 2/3 bribes are paid in anticipation of a service
- Bribery reporting is very low (3,6% last bribe reported)

UNODC support for regional ACA networks and platforms assessing anti-corruption efforts

- Network of Anti-Corruption Institutions in West Africa (NACIWA) – Outcomes from regional meetings & report on ACAs (forthcoming)
- UK funded anti-corruption platform in Eastern and Southern Africa – Baseline assessments & follow-up to fast-track UNCAC implementation



UNODC corruption risk assessments in wildlife parks, fishery sectors and forestry

- Identify weaknesses
- Prioritize risks
- Targeted mitigation strategy
 - Preventative measures
 - Enforcement measures



UNODC corruption risk assessments in wildlife parks, fishery sectors and forestry

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- Prioritize risks
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 - Enforcement measures

Intersessional meetings of the Conference of the States Parties to the UNCAC in preparation of UNGASS 2021

  Special session of the General Assembly against corruption 2021

[About](#) [Documentation](#) [Contributions](#) [Preparatory process](#) [Intersessional meetings of the Conference](#)



Secretary-General addresses General Assembly on UNCAC

On 17 December 2018, the General Assembly adopted [resolution 73/191](#) "Assembly against corruption", in which it decided to convene in the first half of 2021 a special session of the General Assembly and measures to prevent and combat corruption and strengthen international law.

In that resolution, the Assembly also decided that, at that special session, the Assembly will adopt a political declaration, agreed upon in advance by consensus through intersessional meetings of the Conference of the States Parties to the United Nations Convention against Corruption.

Furthermore, the Assembly invited the Conference of the States Parties to the United Nations Convention against Corruption to convene a special session by addressing all organizational and substantive matters relating to the special session. The UN Office on Drugs and Crime is invited to provide substantive expertise and technical assistance to the Conference of the States Parties to the United Nations Convention against Corruption.

<https://ungass2021.unodc.org>



Thank you for your attention

samuel.dejaegere@un.org



Botswana



Botswana Country Presentation 2020

Virtual Commonwealth Regional Conference for Anti-Corruption
Agencies in Africa
7th September 2020

Tymon M. Katlholo
Director General-DCEC

PRESENTATION OUTLINE

- ❑ Introduction
- ❑ Innovative work/initiatives
- ❑ Value of Commonwealth & CAACC
- ❑ Conclusion

Introduction

The corruption landscape worrisome – trend requires;

- ❑ Robust and compressive measures - institutional and legislative framework
- ❑ An assessment study, ESAAMLG; National Risk Assessment (2017)
- ❑ Rated medium, Identified ML as threat to the economy
- ❑ (2019), ML was mostly predicated on corruption
- ❑ Strategic deficiencies in the countries AML and Terror financing legal framework

Response

- ❑ Establishment of Anti- Money Laundering Unit (DCEC)
 - ❑ Step up efforts to comply with international obligation
 - ❑ Promulgation of several legislative Instruments and Amendments of others (2018)
 - ❑ Signing of MOU and reinforcement of Mutual Legal arrangements
 - ❑ To foster international cooperation and curb crimes transcending border
- 

Introduction

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- 

Innovative Work/Initiatives Implemented

Non-conviction Based Asset Forfeiture

- ❑ Financial Action Task Force (FATF) Best Practice paper finds corruption as a major predicate offence for Money Laundering (ML)
- ❑ Repealed Proceeds of Serious Crime Act (1990) required conviction of predicate offence before money laundering charge
- ❑ Proceeds and Instruments of Crime Act (2014) allows independent trial of ML from predicate offence and also provides for non-conviction asset forfeiture

Anti-Money Laundering (AML) Unit

- ❑ AML Unit established in September 2019 dealt with thirteen (13) ML, some of which are at court
 - ❑ UNODC and ESAAMLG have trained DCEC, FIA, BPS and DPP on anti-money laundering
- 

Innovative Work/Initiatives Implemented

Asset Tracing and Recovery

- ❑ Successful applications of Restraint of Property Orders for estimated value of P150, 000 000.00 (cash, land, houses, vehicles and livestock)
- ❑ Absence of Mutual Legal Assistance with some countries is an impediment

Whistleblowing Legislation

- ❑ Whistleblowing Act (2016) is being amended to address some loopholes before its implementation

Declaration of Assets and Liabilities

- ❑ Declaration of Assets and Liabilities Act (2019) being implemented with deadline for declaration by Senior Government Officials set for 31st December 2020



Innovative Work/Initiatives Implemented

Memoranda of Understanding on Anti-Corruption

- ❑ MOUs with Qatar, Kenya and Zimbabwe have been entered into in 2019 to enhance Anti-corruption fight and related cross border crimes



Value of Commonwealth & CAACC to Botswana

- ❑ Competent resource persons from across the world
- ❑ Money Laundering trainings
- ❑ Technical expertise
- ❑ Empowered anti-corruption practitioners



Conclusion

- ❑ Botswana and DCEC also affected by Corona Virus Disease (COVID-19) – it has a bearing on operations
- ❑ Innovative strategies or initiatives should be adopted to conform to the “new normal”
- ❑ DCEC Strategic Plan of 2016 – 2021 under review

THANK YOU



Cameroon

REPUBLIQUE DU CAMEROUN
Paix – Travail – Patrie

Présidence de la République

**Commission Nationale Anti-Corruption
(CONAC)**

Tel.: 237 22 20 37 32/
658 26 26 82/ 651 64 91 94
Fax: 237 22 20 37 30 **Hotline : 1517**



REPUBLIC OF CAMEROON
Peace – Work – Fatherland

Presidency of the Republic

**National Anti-Corruption Commission
(NACC)**

URL : <http://www.conac.cm>
Mailto: info@conac.cm
P.O. Box: 33 200 Yaounde

Virtual Commonwealth Regional Meeting of Anti-Corruption Agencies in Commonwealth Africa

07-09 September, 2020

Country Paper – Cameroon

INNOVATIVE PROJECT IN THE FIGHT AGAINST CORRUPTION

The CONAC Road Show

Presented by
Rev. Dr. Dieudonné MASSI GAMS
Chairman
National Anti-Corruption Commission, Cameroon

Introduction

The National Anti-Corruption Commission, better known by its French acronym CONAC, was set up by a Presidential decree on 11 March, 2006. Its main mission is to contribute to the fight against corruption in Cameroon. Considered as the central organ in the fight against corruption in the country, it publishes an Annual Report on the state of the anti-corruption drive in Cameroon.

The Institution became truly operational in 2010, when it successfully supervised the drawing up of the National Anti-Corruption Strategy (NACS). This anti-corruption guide for the country, validated by the Government in 2011, is intended to make Cameroon a country where **“integrity is the core value for all its citizens”**.

Since the adoption of the Strategy, the anti-corruption crusade in Cameroon has intensified. 2010–2020 has thus been a decade of irreversible non-negligible efforts in the fight against corruption in Cameroon. This is illustrated by the reinforcement of the legal, regulatory, institutional and operational frameworks, general mobilization and the visible financial fallouts in the fight against corruption.

For example, without being a revenue recovery structure, CONAC investigations enabled the State to recover or prevent from being siphoned from government coffers the sum of **CFA 1652 582 958 279 (one thousand six hundred and fifty-two billion five hundred and ninety-two million nine hundred and fifty-eight thousand two hundred and seventy-nine francs); that is roughly 2,986,589,786 US Dollars**, between 2011 and 2017.

In the same light, Cameroon ratified the African Union Convention on Preventing and Combating Corruption in April 2020. Undoubtedly, this instrument complements and reinforces Cameroon’s regulatory framework and makes it much stronger and liable to combat corruption as it is a true *“corruption-fighting reagent”*.

Although Cameroonians are rightfully waiting for a dramatic leap towards a more ethical society, the fight against corruption, “a long-term struggle,” is now part of their collective consciousness. Many more committed actors, including public and private institutions, are adhering to this fight, an indication of a perfect synergy.

In the same light, Cameroonians are more ready to denounce acts of corruption. In 2018, for example, over 23 000 (twenty-three thousand) denunciations were received at CONAC with the introduction of the Commission’s hotline as against 482 in 2010; an evolution of about 4 682%.

Progressively, resolutely and irreversibly, borders are shifting. CONAC, one of the founding members of the Heads of Anti-Corruption Agencies Network created in 2011 in Botswana, has benefitted a lot from belonging to this anti-graft Gentlemen’s Club. Ideas gathered from these meetings have helped to trigger changes in some field activities and personnel management. The Commission now has an Ethics Code for its staff, thanks to ideas from similar documents that exist in the Anti-Corruption Commission of Zambia, the Directorate of Corruption and economics Crimes of Botswana and the Independent and Corrupt Practices and other Related Offences Commission of Nigeria. Integrity Tests, curled from the Kenyan model, are conducted randomly.

Another activity of CONAC, inspired from Lesotho’s presentation during one of the annual meeting of Heads of Commonwealth Anti-Corruption Agencies, is the Road Show. The initiative was used for the first time in Cameroon in 2019 to mobilise popular support against electoral corruption. It is our 2019 success story which we will be sharing.

Innovative Work: The Conac Road Show

1. The Idea and How It Unfolded

The idea of using a Road Show to mobilise popular support in the fight against corruption was presented to the Cameroonian public during a Press conference to mark the 3rd African Anti-Corruption day on the 11th of July, 2019. CONAC decided to organise a "Road Show" to educate and sensitise the population on the dangers of electoral corruption. The goal was to stop greedy, selfish and incompetent people from being elected during the election of deputies and municipal councillors that took place on February 9, 2020.

Placed under the theme «**Elected representatives of integrity for a better Cameroon**», the Road Show had as objectives to:

- ✓ raise public awareness on the evils of electoral corruption and the role of voters in the selection of honest, law-abiding and anti-corruption elected officials;
- ✓ build popular support for the fight against corruption so that Cameroon reaches a critical mass of positive actors engaged against the ill.

From 18 to 30 November 2019, CONAC teams drove through the major roads of the country with stops in towns, villages and strong points of convergence to educate and sensitize the population. Eight of the ten Regions of Cameroon were covered. The main targets were the Cameroonian population of voting age, media men and women, political party leaders, militants of various parties, traditional leaders and members of civil society (NGOs, associations). The main message to the population was that "leaders who resort to fraud and corruption to be elected will be reluctant to commit themselves to the fight against corruption".

2. Challenges in Implementing the Road Show

The principal challenge was that of getting together the human and material resources needed for the Show:

- ✓ mobilising some twenty CONAC staff;
- ✓ printing over 5 000 T-shirts;
- ✓ producing some 50 000 stickers;
- ✓ printing over 500 000 flyers.

Getting a mobile caravan wagon was also a problem. Finally, a pick-up vehicle of the Commission was equipped with a generator and a sound system to replace the mobile caravan truck which was very costly to rent.

3. Results of the Roadshow

The fallouts of the CONAC Road Show were tremendous. It permitted the entire nation to be aware of the Commission's activities and most specifically the dangers of electoral corruption and need for voters to elect leaders of integrity. In addition:

- ✓ CONAC physically reached out to over a million persons;
- ✓ The contacts of CONAC were posted in all the localities visited;
- ✓ Flyers and stickers calling on the population to denounce acts of corruption were distributed or pasted in strategic places in the localities visited.

4. Lessons Learnt from the Road Show

The Road Show is an efficient cost-effective strategy to reach out to the population in the hinterland. Most of the areas visited by the mobile caravan were receiving sensitisation teams from the National Anti-Corruption for the first time. The presence of CONAC on the field helped to boost their interest in the anti-corruption drive.

This could be measured from the geometric leap in the number of denunciations of acts of corruption received in certain localities.

5. Recommendations Worth Sharing

Meticulous preparation is needed for a successful Road Show. There is need to:

- ✓ mobilise at least twenty staff of the Commission to be able to make an impressive presence on the field;
- ✓ include the media into the Road Show team for utmost publicity and mobilisation;
- ✓ identify all Road Show team members with a uniform (T-shirts, etc);
- ✓ print enough gadgets for distribution to the population (flyers, stickers, T-shirts, etc);
- ✓ get a good sound system with loud speakers to invite the population to the different road-side assembly grounds and share out the sensitisation messages;
- ✓ Prepare for long working days (dawn to dusk, weekends inclusive).

Conclusion

The national Anti-Corruption Commission of Cameroon strongly believes that the future of the fight against corruption in the country is bright as the nation is gradually building a critical mass of positive actors ready to say "NO to corruption".

The target of the Commission is to ensure an all inclusive fight against corruption hinged on:

- ✓ **the implementation of the National Anti-Corruption Strategy;**
- ✓ **the popularisation of the National Integrity Education Programme;**
- ✓ **recovery of assets at home and abroad. Cameroon needs the money to develop; and**
- ✓ **a solid cooperation with development partners.**

Rév. Dr Dieudonné MASSI GAMS
Chairman of CONAC

Assessing Anti-Corruption Progress in Africa – Paul Banoba



ASSESSING ANTI-CORRUPTION PROGRESS IN AFRICA

Commonwealth Regional Conference for Anti-Corruption Agencies in Africa. 7-9 September 2020

Paul Banoba

7th September 2020

OVERVIEW



1. [Expert Views] Snapshot from the CPI
2. [Citizens Voices] Snapshot from the GCB
3. [African Commitments] Snapshot from the African Union Convention on Preventing and Combatting Corruption. [AUCPCC]

THE CORRUPTION PERCEPTIONS INDEX



An **aggregate** Index that scores and ranks **180 countries** and territories from around the world on the perceived level of corruption in the **public sector**.

Corruption Perceptions Index 2019
Published January 2020

*Calculated using an updated methodology since 2012
Presented on a scale of 0-100*

Detailed methodology document www.transparency.org/cpi

www.transparency.org

CURRENT REPORT

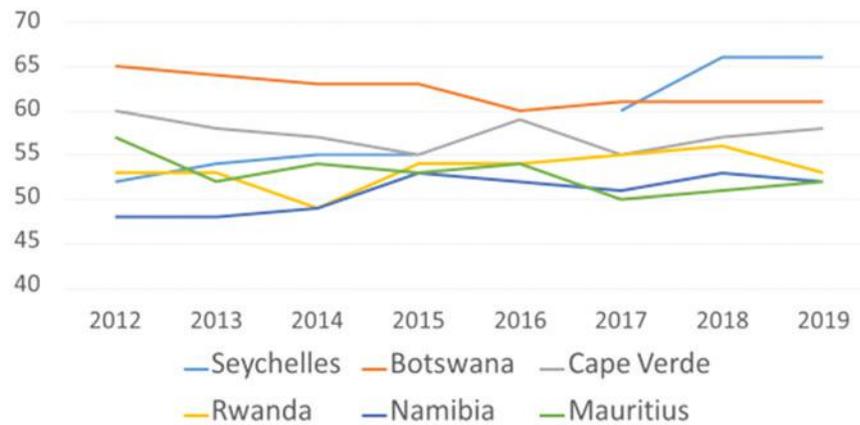


www.transparency.org

CPI: HIGHER SCORES -AFRICA



Trends 2012-2019



www.transparency.org

THE GLOBAL CORRUPTION BAROMETER



The GCB is the largest cross-country survey to collect the general public's perceptions and experiences of corruption and bribery in their country

Current Edition:
Citizens' views and Experiences of Corruption: 2019

www.transparency.org

KEY CITIZEN FEEDBACK



- In the 35 countries surveyed, the majority of people think their government is doing a bad job of tackling corruption (59 per cent); only 34 per cent think government is doing well.
- More than 1 in 4 citizens who accessed public services like health care and education, paid a bribe in the preceding year. This is equivalent to approximately 130 million citizens in the 35 countries surveyed.

www.transparency.org

KEY CITIZEN FEEDBACK



- More than half of all citizens surveyed in 35 African countries think corruption is getting worse in their country. Only less than a quarter think corruption is getting better.
- Citizens think the police is the most corrupt group or institution, with 47 per cent.

www.transparency.org

KEY CITIZEN FEEDBACK. [REPORTING]



- Reporting corruption is very low.
- Citizens are afraid to report, for fear of retaliation [67%]. Only 28% think they may be able to report corruption freely, without consequence.

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FINAL REFLECTIONS



1. A need for more support to reporting.
[National and regional levels]
2. Reflections from the AUCPCC
3. Engaging the citizens.

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Nigeria



Country Report Presented by the Independent Corrupt Practices and Other Related Offences Commission (ICPC) at Heads of Anti-Corruption Agencies in Common Wealth Africa Regional Meeting Held Virtually on 7–9 September, 2020



1. Mandate of the Commission

The **Corrupt Practices and Other Related Offences Act 2000** (hereinafter referred to as "the ICPC Act") established the Independent Corrupt Practices Commission with the aim of giving effect to the provisions of the ICPC Act and other laws on or against Corruption.

Section 6 (a-f) of the Corrupt Practices and Other Related Offences Commission stipulated the following mandates:

- ✓ Investigation and prosecution
- ✓ System study and Review
- ✓ Education, Public enlightenment and Mobilization

2. Commission's Power on Asset Recovery

The Commission's power to trace, recover and manage assets found or suspected to be proceeds or instrumentality of crime is derived from Ss. **37, 38, 43, 44, 47, and 48** of the ICPC Act and it consist of seizure (interim attachment of property), conviction and non-conviction based forfeiture of stolen assets.

Section **37** (1) of the Act provides that:

"If in the course of an investigation into an offence under this Act any officers of the Commission has reasonable grounds, to suspect that any movable or immovable property is the subject matter of an offence of evidence relating to the offence he shall seize such property".

Additionally, S.43 (1) provides that:

“Notwithstanding the provisions of any other written law or any rule of law, the Chairman of the Commission, shall upon a court order direct in writing, for the purpose of any investigation into an offence under this Act or any other law prohibiting corruption, and upon a court order authorize any officer of the Commission to exercise, in relation to any bank or financial institution specified in the authorization, all the powers of investigation set out in subsection (2)”.

3. Initiatives

- ✓ Constituency and Executive Project Tracking Group
- ✓ Non-conviction Based Asset Forfeiture
- ✓ Management of Recovered Assets as a Going-Concern
- ✓ Release of Assets seized to the Victim
- ✓ Release of Assets for Public Use on the Interim
- ✓ Forensic Laboratory and Certification of Expert

4. Brief on Each Initiative

i. Constituency and Executive Project Monitoring

Constituency projects came about as a result of promises made by legislators during electioneering to bring development closer to their people. In order to achieve this, certain specific projects are budgeted and appropriated for annually in the constituency of each legislator. The funds for these projects are, however, domiciled in budgets of Ministries, Departments and Agencies (MDAs) of individual legislator's choosing.

- ✓ Empowerment and Capacity Building Projects discovered to be conduits for embezzlement of public funds. Analyses show wide disproportionality between appropriations for Constituency Projects and Core-mandate Projects of implementing agencies; evident in Small and Medium Enterprises Development Agency (SMEDAN) and Border Communities Development Agency (BCDA).
- ✓ In 2015, the percentage difference between appropriations for Constituency and Core-mandate Projects in SMEDAN was 365%. The mandate allocation was **N1,592,323,599**, compared with **N5,814,369,579**, for Constituency Projects. **95%** of the amount was for Empowerment and Capacity Building Projects.
- ✓ In 2016, this jumped to **N11,120,099,958, 741%** of mandate budget with Empowerment and Capacity Building Projects taking **99%** of the amount.
- ✓ As a result of the Commission's intervention, over 300 Contractors that had abandoned project sites returned while several houses, vehicles and other equipment and machineries recovered.



ii. Non-Conviction Based Asset Forfeiture

Non-Conviction Based Forfeiture (NCB), also known as "civil forfeiture" is an action "in rem" i.e. a proceeding against the asset itself and not against a Subject that only require a demonstration that a property is tainted, either as an instrument of a criminal activity or being the proceeds of a crime.

iii. Management of Recovered Assets as a Going-Concern

Managing seized/forfeited assets that are going concern pending the outcome of litigation or pending when the Government will come up with protocols on the use of forfeited assets is a great challenge in the fight against corruption; sustaining the business and keeping the employees from being thrown to the labour market in the interest of national economy is paramount.

This ensures that the assets continue to generate income and provide service. The Commission has had to engage the service of professional manager in collaboration with Government agencies of the private sector. Several strategies are employed such as:

- ✓ Direct management through engaged Manager
- ✓ Lease/Rental
- ✓ Bond



iv. Release of Assets Seized to the Victim

The ultimate victim of an act of corruption is the State (the public) who suffered the social opportunity cost of wealth diverted in the wrong direction (private hands).

In accordance with S.38(3) of the Act, the Commission has the power to release assets to the Victim. This has been done in several instances so that the assets are put to use in public interest.

v. Release of Assets for Public Use on The Interim

In order to preserve the value of assets and ensure that the public have benefit, some assets are released on the interim to public institutions pending when the government will come up with a final position on the management of recovered assets.

vi. Forensic Training and Laboratory

The staff of the Commission were trained on the use of "Sentinel Visualizer" for data analysis, Oxygen Forensics, Magnet Axioms and Cellbrite Ufed. These officers have international certifications in Forensic psycho-physiology (polygraph Forensic) and are members of the International Society of Polygraph Examiners and American Polygraph Association.

The Commission is working in collaboration with the Office of the NSA for mobile tracking and Tele-Communication (Telcos) industry for real time tracking of Suspects. We also collaborate with international organizations such as FBI, INTERPOL, EMBASSIES (and High Commissions) among others for cross border tracking of money laundering and asset tracing.

The Commission now has a Certified Ethical Hacker.

5. Challenges

- i. Polygraph forensic is still relatively new in the Country, so admissibility of analysis in a court of law is an issue but polygraph definitely aids/enhances investigation activities by establishing truth or lie so it can serve as secondary evidence.
- ii. High cost of asset management during recovery process
- iii. Lack of capacity for asset management
- iv. Lack of clarity over mandate for asset management responsibilities after recovery

6. Lessons Learnt/Conclusion

The concept of asset tracing, recovery and management helps tremendously to deprive corrupt public officers of their loot by going after the asset rather than the offender, as well as send out a stern message that crime does not pay.

It also provides psychological succor to the public that stolen assets are retrieved from the corrupt thereby soothing the pain inflicted.

The Non-Conviction Based forfeiture saves time and cost that would otherwise be taken for prosecution.

Recovered assets are put to use in the public interest.

Adedayo Kayode

Director, Asset Tracing, Recovery and Management.

Corruption & Political Stability – Luis G Franceschi

**Corruption &
Political Stability**
Is there a correlation?
Luis G Franceschi

7th September 2020

 The Commonwealth

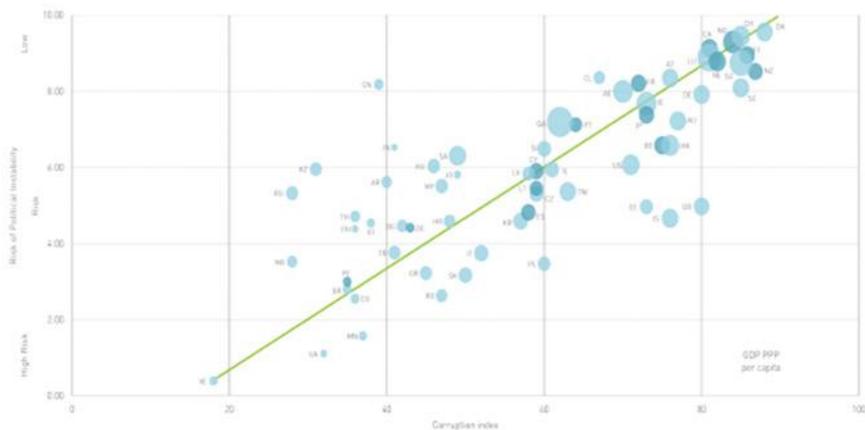


Biggest & most expensive risk



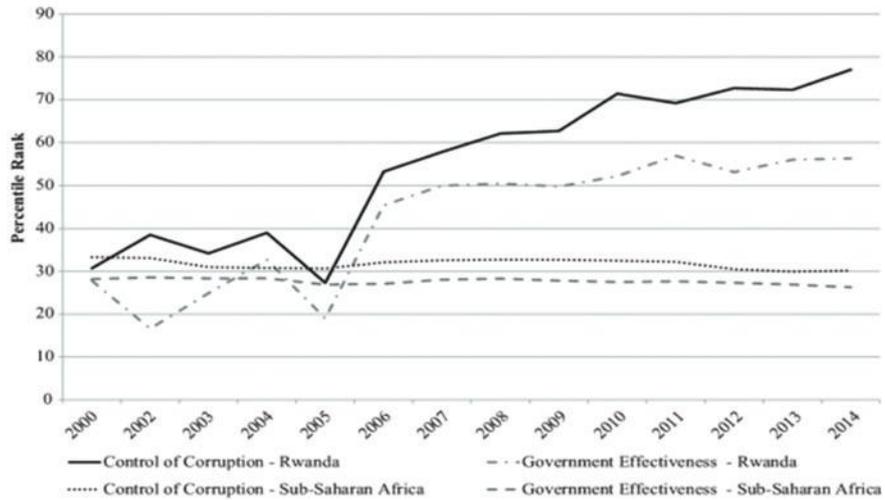


- Political dynamics & will
- Conflict of interests
- Corruption is cheaper
- Inability to delay gratification
- Investigation capacity
- Judicial impunity
- State capture & Legacy

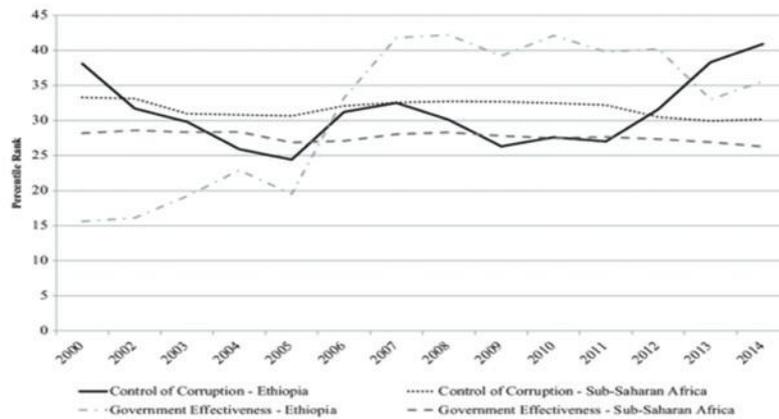


Relationship between [Risk of Political Instability](#) and Corruption Perceptions Index 2018

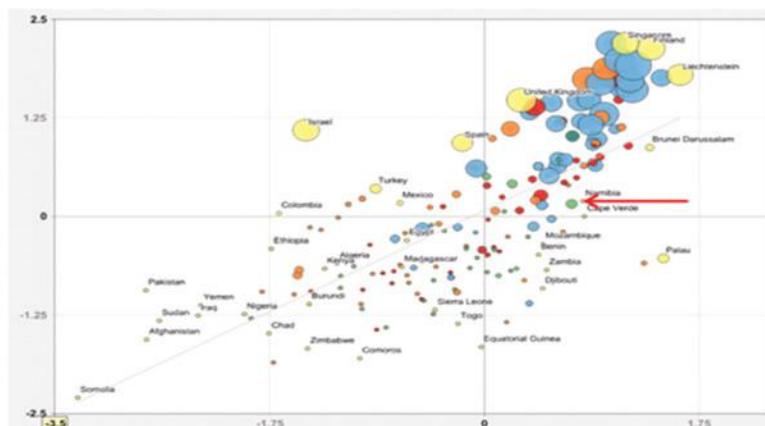
Control of Corruption v. Gov Efficiency



Control of Corruption v. Gov Efficiency



Control of Corruption v. Violence



What to do with Justice?



- ✓ Power to investigate
- ✓ Power to prosecute
- ✓ Media power
- ✓ Social media
- ✓ Name & shame
- ✓ Sacrificial lamb



Thinking out of the Box



Value & Perception



Anchored Price



My Approach



SOFT



HARD

Conclusions

- Lebanon, Iraq, Mali, Iran, Haiti, Israel, Venezuela, Lybia, Spain, Romania among others;
- Control of corruption affects political stability especially because it affects the core of government efficiency;
- Political instability creates a vicious cycle that triggers fiscal incapacity and threatens development;
- If you want to achieve anything, deal with impunity;
- Corruption erodes legacy.

Thank you!

Rwanda



MINISTRY OF JUSTICE

**Virtual Commonwealth Continental Meeting of Anti-Corruption Agencies in
Commonwealth Africa**

**Integrity and Public Accountability in Rwanda:
Key lessons from a success story**

**Remarks by BUSINGYE Johnston
Minister of Justice/Attorney General of Rwanda
07 September 2020**

- **The Secretary General of Commonwealth**
- **Heads of anti-corruption and asset recovery efforts;**
- **Representatives of different institutions;**
- **All protocols observed;**

I wish to thank the Commonwealth Secretariat for convening this important meeting with the captioned theme "**Assessing Anti-Corruption and Asset Recovery Efforts in Africa.**"

Importantly, I wish to thank the Secretary General of Commonwealth, the Right Honourable Patricia Scotland QC, for inviting me to make these few remarks and share Rwanda's modest experience with you all.

My brief remarks will focus on "**Integrity and Public Accountability in Rwanda: Key Lessons from a success story.**"

Before I delve into the discussion, I wish to opine that Rwanda's story on integrity and public accountability is reflective of the political will invested to achieve success on these matters. The efforts to build a mind-set of the difference between what belongs to a person and what belongs to the public are as old as our Government and are full time functions, exercised through policies, laws, programs, projects and other unconventional ways.

Integrity around the management of public resources should, foremost, refer to public officials' discipline, ability and capacity to supervise, regulate and monitor themselves in the process of the management of public resources. To give it formal expression, usually countries establish legal and regulatory frameworks that create the environment where integrity becomes institutionalised, easy to monitor and rate.

Enhancing adherence to ethics and accountability especially in management of public resources is a noble attempt, all countries should endeavour to ensure. Rwanda is one of those attempting.

To entrench and ensure such a culture has proven to be a tiring and costly endeavour the world over. It is a culture every generation has to learn a fresh, and learn at great cost. Nonetheless, the price must be paid; cost should be incurred for the cause. It is for our own good, for the development of our societies, countries and particularly so for the good of the African continent. Failure to develop a culture of integrity and accountability costs us dignity as a people and condemns us to perpetual dependence. In the face of such manifest injustice, fighting with every tool available becomes imperative.

When government officials loot their nations' treasuries, steal public funds, and embezzle development aid, they condemn their nations' children to cross generational poverty, poor education, poor health, poor infrastructure, and food insecurity. In Rwanda we have resolved to stand up to this man-made disaster called corruption, this is why we fight with all our energy and mobilise the population to understand that fighting corruption is for the long haul.

For Rwanda, resolute efforts have been deployed to stand-up to corruption and other economic crimes. We have ensured that accountability measures are in place and integrity in public service defined and regulated. Permit me to share some of the things we do:

- Government put in place measurable anti-corruption measures, established institutional frameworks, thru which the work is done; established the zero tolerance to corruption mantra, conducts numerous mass sensitization programmes on corruption all the time. As a result, Government has earned support and collaboration from the public and development partners, built anti-corruption partnerships with the private sector and civil society. There are, to date about 15 anti-corruption laws, improved investigation and prosecution strategies as well as enhanced mechanisms on asset recovery. These and other efforts have significantly diminished corrupt practices, ensured transparency, increased accountability for public assets and funds, ensured efficient management, reduced corruption crimes and deterred possible offenders. **That is our first lesson:** corruption is so tempting that deterrent strategies are a must if we have to reign it in. Those who feel tempted need to equally feel scared of the consequences. And there should be no sacred cows. Nobody however highly placed or connected should ride on that position or connection to escape accountability.
- Particularly, a strong institutional framework in place is perhaps the defining mechanism. Anti- corruption policy and action is managed by a range of public institutions. The primary anti-corruption agency is the Office of the Ombudsman which is constitutionally independent and carries a wide mandate in the fight against corruption. Other institutions include: the Ministry of Justice, the National Public Prosecution Authority; the Rwanda Investigation Bureau; the Office of the Auditor General; the Rwanda National Police; the Rwanda Public Procurement Authority; the Courts and the Rwanda Governance Board. Together, they constitute a formidable force. The corrupt have to feel the heat of navigating through the concerted action of these institutions. **That is our other lesson:** all stakeholders, public or private, acting together, with an anti-corruption mission, but each within their individual mandate, results in better outcomes.

- National anti-corruption strategies are embedded in policy and legal frameworks including the National Anti-Corruption Policy – 2012 and Law on Fighting Corruption – 2018 and several other penal laws. Some of the important legal provisions include: imprescriptibility of corruption offences; Criminalization of unlawful practices (e.g. illegal tax exemption); Debarment of fraudulent bidders from public procurement; Publication of names of corruption convicts and annual asset declaration by public officials to name a few, a few other measures we have instituted include:
 - Establishment and monitoring the implementation of the Leadership Code of Conduct;
 - Making use of the access to information Law;
 - Receiving and verifying assets of Government Officials and other Public Servants that the law obliges to declare;
 - Creation of Anti-Corruption Clubs, composed of Youth in secondary schools and in higher learning institutions;
 - Establishment of the National Advisory Council to fight against corruption and injustice (Public Institutions, Civil Society Representative and Private Sector ...). This forum deals with serious matters on the prevention of corruption and injustice;
 - Publication of the list of persons definitively convicted for the crime of corruption;
 - Promoting Public Sector Integrity through the Use of ICT (e-justice, e-procurement, e-recruitment, e-payment to mention but a few).

That is our other lesson: a holistic approach that leaves nobody behind and an effective policy and legal framework. Ours in Rwanda seeks to challenge the conventional approaches.

- Improved prosecutorial strategies and special measures have been adopted to ensure that corrupt officials are tracked and effectively prosecuted. Investigations are not only on the offence committed but also on the acquisition of the property of the suspects; seizures/ freezes and confiscation of assets related to crime as well as tracing of assets probably hidden in foreign countries. These have handicapped offenders and facilitated recovery of assets otherwise embezzled or illegally gained by the offenders. Introduction of a specialized chamber hearing cases of corruption and economic crimes also improved the ways in which such cases are handled.

That is our other lesson: Effective investigation, prosecution, asset tracing and judgment execution, though difficult, are worth every effort.

- On the international front, Rwanda is a party to regional and international conventions: The United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. Rwanda has sought judicial cooperation with other countries. A number of bilateral or multilateral cooperation agreements exist while others are being negotiated with foreign countries. These are to facilitate asset seizure or freeze and extradition of suspects and convicts in case they flee the country. I would like to draw the attention of this meeting to the need to enhance cooperation among ourselves and beyond if we want to better fight corruption and ensure recovery of illegally acquired assets. **That is the other lesson:** belong to and make use of existing international frameworks. Most importantly all of us should cooperate.

We should also simplify national procedures and bureaucracy. Let us remember that while we still wriggle through procedures and bureaucracy in our respective countries, the corrupt network simplifies everything from commission of a crime, communication, transfer, concealment etc. Remember we are the innocent party chasing after suspects of serious crime not the other way round!

Conclusion

It should be our common ambition to ensure that integrity and public accountability in the management of public resources is institutionalised, so that public resources achieve their intended purpose. Loss of Public funds resulting from corruption and other forms of fraudulent management of public assets in our countries, through the hands of those holding public office should be zero tolerated. The need to fight corruption and related acts or crimes and recovery of illegally gotten assets needs to remain a priority agenda item for our governments at all times.

It is unacceptable that today millions of law-abiding citizens work hard to earn a living, whilst a few live comfortably off the proceeds of corruption. We should all ensure that corrupt officials do not successfully seek safe havens for their stolen wealth or themselves in any of our countries or anywhere else and that stolen assets are recovered and returned.

Political will and leadership are indispensable. Without strong political will and a determined leadership all the way from the top then the fight against corruption will remain largely a discussion item at such fora.

Rwanda reiterates its commitment to enhance national, regional and international cooperation on anti-corruption initiatives and strategies.

I thank you.

Day 2

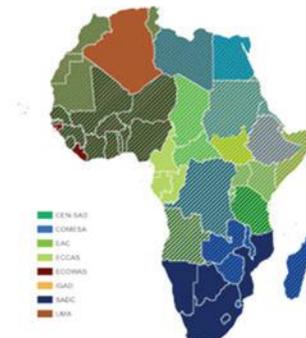
The Common African Position on Asset Recovery – Prof. Bolaji Owasanoye

THE COMMON AFRICAN POSITION ON ASSET RECOVERY

EX.CL/1213(XXXVI) Add.1 Rev.1
Adopted by AU Heads of Govt. Feb 2020

Prof. Bolaji Owasanoye

Chairman - ICPC Nigeria



The boundaries and names shown and the designations used on this map do not imply AU endorsement or approval by the United Nations. For more information on the status of these and other territories, please refer to the United Nations Secretariat of State. Date: 15 November 2019. Scale: 1:100,000,000. Source: UN Geospatial Information Management System (UN-IGIS)

Introduction

- ▶ **Sponsored by Nigeria and adopted by AU Executive Council at its 36th Ordinary Session 06-07 Feb. 2020**
- ▶ **Adopted by Heads of AU at 33rd Assembly 9th Feb.2020**
- ▶ **CAPAR is a political, policy, and advocacy instrument aimed at assisting in identifying, repatriating and effectively managing Africans assets for the common good of citizens in accordance with Africa's development agenda, domestic laws and other legitimate government purposes in a manner that respects the sovereignty of Member States.**
- ▶ **CAPAR was facilitated by AU Champion President M. Buhari; AU-Commission; the AU-Advisory Board on Corruption; Consortium to Stem IFF from Africa; and the Coalition for Dialogue on Africa CoDA also Secretariat of the Mbeki Panel;**

Foundation

- ▶ **Special Declaration of Assembly of Heads of State of the African Union on Illicit Financial Flows (Assembly/AU/Decl.5(XXIV) endorsed the findings and recommendations of the High Level Panel Report on IFFs from Africa (otherwise the Thabo Mbeki Panel Report)**
- ▶ **Assembly Theme for 2017: "Winning the Fight Against Corruption: A Sustainable Path to Africa's Transformation" (Assembly/AU/Dec.657 (XXIX) one of the key objectives being the development of CAPAR.**
- ▶ **31st Ordinary Session of the Assembly called on international partners to agree on a transparent and efficient timetable for the recovery and return of illicitly acquitted African assets.**
- ▶ **Supported by Articles 1 and 19 AUCPC and Article 2, Chapter 5 (particularly Art. 57) UNCAC**
- ▶ **Report of HE Muhammadu Buhari, President of Nigeria and AU Champion of the Anti-Corruption Year, on implementation of the Anti-Corruption Year theme presented to 32nd Ordinary Session of the Assembly, February 2019, reiterated need for CAPAR**

Justification and Context

- ▶ **Loss of African resources and assets over the centuries**
- ▶ **Estimates of Africa's losses to IFFs makes Africa a net creditor to the rest of the world**
- ▶ **IFFs and illicit consignment of African assets to foreign jurisdictions would continue to inhibit Africa's development goals and aspirations, Post-2015 Agenda and Agenda 2063 unless action is taken by the global community and AU Member States speaking with one voice and acting in unity to ensure that Africa's voice is heard and fully recognized in the shaping of global ecosystem of asset recovery.**

Preamble

- a. **Need for resource mobilization to finance Africa's development;**
- b. **The High Level Panel Report; the continuing work of the High Level Panel; the Nouakchott Declaration on the African Anti-Corruption Year; the leadership and report of H.E. Muhammadu Buhari reiterating the need for CAPAR; the work of AU-ABC towards attaining CAPAR; and recognized adverse impact on non-recovery and return of IFFs;**
- c. **African assets taken to foreign jurisdictions by IFF, corruption and illicit trade has severe negative impact on its development agenda and enjoyment of human and socio-economic rights;**
- d. **CAPAR is a critical step in stemming/reversing IFFs**
- e. **Recovery and return of assets must be situated and contextualized in a broader historical, political, economic and social narrative;**
- f. **Need for the international community to support and cooperate with the efforts of AU Member States to recover African assets.**

Pillars of CAPAR



Pillar 1: Detection and Identification of Assets

Element 1: Strengthen domestic and regional systems, transparency and accountability and use of technology

Element 2: Regulate, protect, incentivize whistleblowers

Element 3: Strengthen and enhancing existing institutions

Element 4: Encourage and advocate transparency

Note - Detection and Identification of assets in foreign jurisdictions is technically complex and inherently political

For effective and efficient detection and identification of assets in foreign jurisdictions (both within and outside the continent) the 4 elements above are required

Pillar 2: Recovery and Return of Assets

Element 1: Prioritize recovery of assets at domestic, regional and global levels, including return of artworks and artefacts

Element 2: Strengthen legal and financial institutions to aid process of asset recovery, including establishment of funds, trusts and dedicated African escrow accounts to be held by regional financial institutions.

Pillar 3: Management of Recovered Assets

Element 1: Use of recovered assets is the sovereign right of African Member States and they are entitled to use same for the common good of citizens in accordance with Africa's development agenda, domestic laws and other legitimate government purposes

Element 2: Management of asset must include the power to invest returned assets, and generally adopt profitable and economically effective and efficient asset management standards in the interest of Member States and their people.

Pillar 3: Recommended Actions on Asset Management

- a) Mobilize domestic resources;
- b) Preserve the value of seized and confiscated assets
- c) Ensure accountability, transparency and measures to boost public confidence including monitoring of use by civil society
- d) Institute corruption prevention & control measures
- e) Compensate source (African) countries;
- f) Assist source country collate data on assets in requested countries
- ▶ Establish or designate recovered asset management agency
- ▶ Create/establish a central returned assets account in local and designated foreign currencies
- ▶ Codify or adopt policy on use of recovered assets for development goals or implementation of any other social investment project as deemed fit by Member States
- ▶ Maintaining asset register

Pillar 4: Cooperation and Partnerships

Element 1: Prioritize cooperation and partnerships through advocacy and engagement

Element 2: Enhancing coherence and cooperation between domestic, regional and global systems, frameworks and institutions.

Note: Effective and efficient cooperation between various actors, including States, regional bodies, the global community, investigative bodies, law enforcement agencies and financial intelligence institutions is crucial in curbing IFFs

5. Cross Cutting Issues

1. Strengthen Domestic, Regional and International Systems

- Prioritize domestic and regional levels
- Create strong legal, taxation, financial and justice systems
- Create independent well resourced domestic and regional justice systems.
- Hold facilitators of IFFs to account.
- Regulate giving of gifts to public officials.
- Promote transparency and accountability of the financial services sector

2. Inclusion

Recommends equity, gender equality, environmental sustainability and mutually beneficial development within and between Member states.

Enabling Implementation

Implementation of CAPAR requires time-bound, relevant policy and strategic implementation, including allocation of resources for asset recovery activities; enhanced intra-continental cooperation and communication and experience sharing and M & E mechanisms

Policy Recommendations

- ▶ Strengthen domestic and regional systems for detection and identification;
 - ▶ Protect & incentivize whistleblowers;
 - ▶ Strengthen and enhance detection and identification process;
 - ▶ Strengthen and enhance existing bodies and institutions;
 - ▶ Encourage and advocate domestic and regional levels transparency in aid of detection & identification of African assets;
 - ▶ Create and maintain an agreed framework for management of recovered assets;
 - ▶ Implement strategies to enhance transparency in the management of recovered assets
- ▶ Prioritize the recovery of African assets at a domestic, regional and global level;
 - ▶ Strengthen legal and financial institutions to aid the process of asset recovery;
 - ▶ Prioritize cooperation and partnerships towards recovery of by advocacy and engagement at a regional and global levels;
 - ▶ Take steps to enhance coherence and cooperation between domestic, regional and global systems, frameworks and institutions

Mauritius



Independent Commission Against Corruption

Declaration of Assets System in Mauritius

Isswar Jheengut
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Independent Commission Against Corruption
Mauritius



Introduction

- Declaration of Assets, as pointed out by several studies conducted by International organisations like the UNODC, World Bank or the OECD, remains a fundamental tool for anti-corruption agencies in their fight against corruption.
- According to the World Bank, more than 150 countries have introduced asset disclosure requirements for their public officials.
- Declaration of assets is a key component in the different anti-corruption conventions and protocols
- Mauritius has been implementing a system of declaration of assets since 1985. However some weaknesses had been observed during the UNCAC review, that required remedial actions
- A new Declaration of Assets Act promulgated in 2018



Overview of the Evolution of Declaration of Assets in Mauritius

- 5 June 1985 • Declaration of Assets (DoA) Act proclaimed.
- June 1985 • The first declaration of assets regime of the country for every member of the Legislative Assembly.
- 1991 • The 1985 Act repealed and replaced by a new Declaration of Assets Act.
- 1991 • The 1991 Act extended the definition of people covered with the duty to make a declaration, e.g: Councilors
- 2018 • DoA Act 2018 enacted by the National Assembly on 12 December 2018 to provide for a new legal framework.
- 2019 • DoA (Amendment) Act 2019 passed and came into operation on 22 August 2019.



Past Declaration of Assets System

Prior to the coming into force of the 2018 Act, several institutions already had a Declaration of Asset regimes under their respective legislations as illustrated below:

Institutions	Legislation
Utility Regulatory Authority	Utility Regulatory Authority Act 2004
Competition Commission	Competition Commission Act 2007
Financial Intelligence Unit	Financial Intelligence and Anti-Money Laundering Act 2002
Independent Commission Against Corruption	Prevention of Corruption Act 2002
Bank of Mauritius	The Bank of Mauritius Act 2004
Gambling Regulatory Authority	Gambling Regulatory Authority Act 2007
Public Procurement Office	Public Procurement Office 2006
Information and Communication Technologies Authority	Information and Communication Technologies Act 2001
Mauritius Revenue Authority	Mauritius Revenue Authority Act 2004



New Declaration of Assets System

- A comprehensive legal framework to address weaknesses highlighted during the UNCAC review
- Wider scope in terms of declarants and also provides for sanctions for non-compliance
- The ICAC, bestowed with the required powers to implement the provisions of the Act (receipt, processing, issuing of penalty, etc.)
- Enables disclosure of information to the public regarding assets and liabilities
- Verification and monitoring of the assets and liabilities help to detect corruption, money laundering and illicit enrichment for subsequent actions
- Maintains a balance between transparency and privacy of individuals
- Reinforce the national strategy in the fight against corruption and other related crimes



Application of the Act DoA, 2018, as amended

The Act applies to all persons, having decision making powers regarding public resources/public service delivery, as follows:

- every member of the National Assembly, including the Speaker of the National Assembly, and every Minister;
- every member of the Rodrigues Regional Assembly, including the Chairperson of the Rodrigues Regional Assembly, and every Commissioner;
- every Councillor of a Municipal City Council, Municipal Town Council or District Council;
- every Lord Mayor, Deputy Lord Mayor, Mayor, Deputy Mayor, Chairperson and Vice-Chairperson of a Municipal City Council, Municipal Town Council or District Council, as the case may be;
- every senior public officer;
- every Chief Executive of a Municipal City Council, Municipal Town Council or District Council, and every officer of such Councils drawing salary at the level of Deputy Permanent Secretary (DPS) and above;
- every Chairperson and Chief Executive Officer of statutory bodies, and every officer of such statutory bodies drawing salary at the level of DPS and above;
- every adviser and officer employed on a contractual basis in Ministries, drawing salary at the level of DPS and above; and
- such other persons as may be prescribed.



Achievements and way forward

As at 31 July 2020:

- 97% of declarants are compliant. Initial check and processing 100% of forms received.
- The penalty collected for the late submission of Declaration of Assets Forms amounts to Rs 941,000.
- 100% disclosures.

To further reinforce the system

- Focus more resources for the verification and monitoring processes.
- Inter-agency collaboration will be strengthened especially for information sharing
- The Commission is working towards the implementation of an online platform whereby declarants will be able to declare their assets online.



Thank you for your attention

Uganda



Background

The Inspectorate of Government was established under the Inspector General of Government Statute in 1988. When the constitution was promulgated in 1995, it became an institution established by the Constitution of the Republic of Uganda which gives it independence and functions as well as powers.

The IG has four broad mandates which are: as an anti-corruption agency, as an ombudsman, enforcement of the leadership code act and stimulate public awareness about the values of constitutionalism in general.

The Inspector General of Government who is the head of the IG has two Deputy Inspectors General of Government who are appointed by the President of Uganda, with approval of the Parliament of Uganda.



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3

INNOVATIVE INITIATIVES BY THE INSPECTORATE OF GOVERNMENT.

Strengthening national coordination and cooperation among Anti-Corruption Agencies

In Uganda there are three institutions that compliment each other in the fight against corruption these are:

- i) The Inspectorate of Government (IG) is a constitutionally established office that is mandated to respond and act on complaints or issues related to corruption and maladministration in public offices.
- ii) The Office of the Auditor General (OAG); the supreme audit institution of Uganda with a mandate to conduct financial, value for money, procurement and classified audits, as well as auditing all Government investments and the treasury memoranda.
- iii) The Public Procurement and Disposal of Public Assets Authority (PPDA) with a mandate to formulate policies and regulate procurement and disposal practices in respect of all procuring and disposing entities.



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The collaboration

The three institutions recognized the need to combine efforts to fight corruption through a formal agreement and this was signed outlining the roles of each institution and the purpose of the collaboration.

The purpose of the agreement was:

- Sharing of information
- Joint investigations
- joint trainings
- Sharing technical expertise and facilities (e.g forensic lab)
- Joint anti-corruption campaigns



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Benefits of the collaboration

Some of the benefits registered are:

- i. There is an increase in case referrals between the agencies based on competencies. This has led to improved quality of investigation reports issued as all aspects of the investigations are competently addressed.
- ii. Joint investigation of cases are conducted by the agencies to handle the different aspects that are in line with the different mandates. The expertise of the different agencies has improved the evidential value of the cases leading to successful prosecutions.



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Heads of the ACAs with H.E. the President



Zero Tolerance to Corruption

Heads of the institutions launching a magazine



Zero Tolerance to Corruption

Benefits of the collaboration

iii) Continuous sharing of information and networking leads to increased knowledge of the various forms of corruption. This led to the formation of the syndicate of the anti-corruption agencies to fight the syndicate corruption that was recognized as the new form of corruption in the country.

iv) The agencies have developed joint anti-corruption campaigns and conduct joint activities to reach out to communities. This helps to address issues as a team and has built confidence of the institutions. These joint activities have also built the capacity of the agencies further in addressing the incidents of corruption. Activities conducted include: radio and tv talk shows, community outreach sensitizations such as barazaas, road shows, meetings with local authorities, and on spot checks of government services among others.



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Heads interacting with local authorities



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Community Barazza



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The three institutions with members of the Judiciary, sensitising the public



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The Prime Minister flagging off the joint walk



THE INSPECTORATE
OF GOVERNMENT

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Results of the Innovation

The holistic approach to the fight against corruption has resulted into:

- i. improvement in turn around of investigations and quality of investigations
- ii. increase in success of prosecutions as a result of timely sharing of information which builds the evidence
- iii. matters of procurement fraud expeditiously handled which has saved government over UGX 300million (approx. USD 100,000 in losses,
- iv. increased confidence and trust in the agencies because of the team work, common vision of the agencies



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Strategies

Challenges faced in implementing the initiative:

1. different mandates working together is challenging due to differing agenda and priorities
2. Finding mutually convenient time for top leadership to meet.

Lessons learnt:

1. To get the collaboration started it took continuous engagement by the top leadership
2. There is a need for continuous engagement by the top and middle management through meetings etc.
3. Involvement of middle and lower ranks is crucial for the sustainability of the collaboration
4. At some point there is a need to formalize the collaboration to specify what is required of each of the parties



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Showcasing the innovation **CoSP – Abu-Dhabi**

- During the Conference of State Parties meeting in Abu-Dhabi, Uganda was invited to show case the collaboration. The sharing attracted a lot of interest from other member countries.
- Initiative of State Audit Institutions working very closely with Anti-Corruption Agencies was also discussed. We hope under this umbrella this can also be considered.



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Heads of the ACAs in Abu-Dhabi



Corruption

Way forward

Plans are underway to carry out the following:

1. Securing the sustainability of the collaboration.
2. Strengthening the networks between technical staff both at central and local level.
3. Explore more areas of support and complementarity in the collaboration
4. Conduct a study to the impact of the collaboration.
5. Develop a joint collaboration strategy that will set the direction of the collaboration for the next five years



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Achievements

Key achievements at the IG

- i) The Leadership Code Tribunal was recently inaugurated to support the enforcement of the Leadership Code Act.
- ii) During the year the IG made recoveries of **UGX 2.7BN (Approx. 750,000 USD)** Further pursuing IG orders for recovery of 4 **BN UGX (Approx. 1 Million USD)** being pursued by the Unit. This is an increment from the previous year where we recovered **1,1 BN (Approx. 310,000 USD)**
- iii) The IG recovered a ten-apartment block worth UGX 1.2 BN UGX (**330,000 US DOLLARS**) from a public official through a negotiated settlement wherein the IG did not prefer charges of illicit enrichment against a public official in exchange for forfeiture of property.
- iv) Benchmarking with other anti-corruption agencies including: the Ethics and Anti-Corruption Commission (EACC) of Kenya, to learn about the Asset Recovery Legal Regime in Kenya.



Zero Tolerance to Corruption

Achievements

- i) Trained over 100,000 members of the community to demand for transparency and accountability in the implementation of government programmes with support of the World Bank and DFID.
- ii) Rolling out the transparency, accountability and anti-corruption (TAAC) component to other parts of the country – initially to 11 districts of Uganda with support from DANIDA.
- iii) Currently collaborating with 45 Civil Society Organisations (CSOs)



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Conclusion

The fight against corruption and maladministration requires concerted efforts. One agency cannot succeed on its own. In Uganda, the collaboration is working effectively and efficiently and we hope that we can continue to share these experiences and learning from each other.



Zero Tolerance to Corruption

The President of Uganda signing a commitment on engaging citizens to fight corruption





The Anti-Corruption Agencies thank His
Excellency the President of Uganda for
supporting the fight against corruption and
maladministration.

For God and my Country.



Zero Tolerance to Corruption

Nigeria

Anti-Corruption and Asset Recovery Efforts in Nigeria

Introduction

Asset recovery has recently been on the front burner in multi-lateral and bilateral discussions relating to international cooperation on anti-corruption matters. This has been amplified by the adoption of the 2030 Agenda for Sustainable Development by all members of the United Nations in 2015 which specifically addresses the issue of asset recovery. Sustainable Development Goal 16 Target 4 specifically states:

"By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime."

The recovery of stolen assets rates high on the anti-corruption agenda of the Buhari administration and the EFCC has been unrelenting in the pursuit of this agenda.

The following are highlights of Nigeria's recent efforts and successes:

1. Use of Domestic Policies and Mechanisms to strengthen the anti-corruption regime in Nigeria. The following are some examples:

Cross-Border Investigations and Collaborations: Nigeria actively seeks the assistance of law enforcement agencies in neighboring countries and the West African Sub-region in blocking the free flow and movement of illicit funds across borders and to further strengthen collaboration in combating cybercrime and other transnational crimes. This has enhanced law enforcement cooperation and tightened the porosity of some avenues of movement of illicit funds. The EFCC has relied on this cooperation and traced funds in Excess of One Million US dollars to Neighboring Countries. As a signatory to the United Nations Convention Against Corruption (UNCAC), Nigeria affords various countries and jurisdictions the widest possible cooperation in joint investigations, mutual legal assistance, extradition and international cooperation as outlined in the Convention.

- **Whistle blower policy:** The Federal Government of Nigeria introduced this policy to expose financial crimes while rewarding whistle blowers. The EFCC created reporting platforms for the whistle blower which has also translated to significant recoveries including **\$9.7m** and **£74,000** recovered from the ex-NNPC boss, Andrew Yakubu and \$43.4m, N23.2m & GPB27,800 found in a residential apartment in Ikoyi, Lagos, just to mention but a few.
- **Treasury Single Account (TSA):** This is a system of accounting that consolidates all Government revenues, receipts and payment into a consolidated revenue account in the central bank of Nigeria to check financial leakages in public fund management and ensure accountability and transparency in Government spending.
- **Bank Verification Number (BVN):** The BVN gives each Bank customer a unique identity across the Nigerian Banking industry that can be used for easy identification and verification at Point of Banking operations during financial investigations to determine beneficiaries of funds. It also helps in providing an overview of the banking relationship of each account holder across the industry. The BVN has therefore supported the work of the anti-graft agencies in unveiling the identities of beneficiaries of funds as well as identifying numbered Government Accounts illegally operated or that were not transferred to the Treasury Single Account as directed by the Government.

- Non-Conviction Based Asset Forfeiture (NCB)
 - The EFCC relies on S.17 of the Advanced Fee Fraud (AFF) and (other Related offences) Act, 2006 Act to secure forfeiture on non-conviction basis
 - The EFCC has employed this provision to forfeit assets running into millions of US dollars
 - Several properties of high value in Nigeria and Foreign Jurisdictions have been forfeited to FGN under the non-conviction based forfeiture

2. Use of New Technology in asset tracing

Nigerian cybercrime syndicates have acquired notoriety globally due primarily to their ability to fleece unsuspecting victims through scams leveraging on social engineering. The threat landscape has evolved significantly over the last five years as the threat actors have become more sophisticated, and the losses suffered by victims are growing in leaps and bounds.

The EFCC therefore has employed a mechanism of infiltrating the social media networks of the syndicates with a view to understanding their targets and modes of operation. The intelligence is subsequently utilized as leads in investigations and asset tracing. It is sometimes shared with counterpart LEAs in other Jurisdictions of interest by the syndicates. It has also been used to trace assets of significant value in financial institutions.

3. Use of Regional and International Advocacy to Ensure Institutionalization of Asset Recovery Efforts

Based on its experience in Asset Recovery, Nigeria has been at the forefront of advocacy to institutionalize asset recovery within regional and international instruments.

In this regard, Nigeria sponsored several Asset Recovery resolutions at the United Nations as well as supporting the adoption of the Common African Position on Asset Recovery at the African Union.

Challenges Encountered by Efcc in Asset Recovery /Repatriation of Stolen Funds from Foreign Jurisdictions

Nigeria is still at the forefront of championing asset recovery and return of stolen assets. Nigeria believes that key in the achievement of the sustainable development goals is the return of stolen assets to the victims to ensure that the proceeds are pooled back to the commonwealth and effectively applied for developing infrastructure and addressing development challenges. Nigeria's use of the returned Abacha loot of about US\$321 million under the Social Investment Programme, (SIP) and Conditional Cash Transfer (CCT) which began in December 2016, under the Buhari led administration with the oversight of Civil Society Organizations (CSOs) is a good example of the use of returned assets for the benefit of citizens of the country.

Nigeria has equally entered into bilateral agreements with a number of countries for mutual assistance aimed at checking illicit financial flows, tracing, recovery and return of stolen assets Switzerland, UK, UAE and US among others.

However, the process of repatriating monies stashed abroad back to Nigeria has been very frustrating and disappointing, despite the continuous support and cooperation by Nigeria in various ongoing investigations cutting across various jurisdictions.

We believe that adopting and adapting the initiatives that Nigeria has implemented will go a long way to supporting the anti-corruption efforts of respective countries as well as complement ongoing efforts to see to regional integration in anticorruption approaches and institutionalization of best practices and standards.

We also believe and reiterate that delaying the return of Stolen assets and in some cases outright refusal to repatriate proceeds of crime is tantamount to an infringement of the human rights of the citizens of countries that bear the brunt of embezzlement of their resources.

It is therefore hoped that the Common African Position on Asset Recovery will provide a common basis for Africa to ensure that its stolen resources are traced, recovered and returned for utilization by the African people especially as it relates to Africa's Agenda 2063:

"An integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in the international arena."

In conclusion, it is hoped that the experiences shared by Nigeria will be helpful for other countries as we come together to strengthen the fight against corruption.

Thank you.

Prosecuting Anti-Corruption Cases: Success Ingredients or Factors – Hon. Justice Duncan Gaswaga



Introduction

Corruption is a very sophisticated crime and one of the most difficult offences to investigate and prosecute. It is even more complex to trace and recover the proceeds of corruption. Be that as it may, effective means and ways of prosecuting corruption cases have to be found in order to avoid impunity and effect recoveries so that no one benefits from such criminality.

The presentation covers:

- ❖ Challenges encountered in prosecuting corruption
- ❖ The success ingredients or factors

Challenges in Prosecuting Corruption

- Personal risks – security, psychological, institutional and public pressures
- Failure to protect exhibits and witnesses (accomplices/ corruption) – no case
- Expensive – investigations take a lot of money, time and other resources
- Highly sophisticated criminals – use of IT in their transactions etc
- Lack of experts – judicial officers, prosecutors, investigators
- Lack of cooperation by some agencies and jurisdictions – Mutual Legal Assistance
- Political interference - the corrupt fighting back – rich, connected and powerful
- Control of prosecution process – appointment process
- Independent and credible judicial system?
- Lack of or weak legal regime - lacunas and technicalities in the law
- Comingling – money laundering

Success ingredients or factors

- **Thorough preparation** –before arrest and arraignment, in and outside court (protection of witnesses and whistle blowers – *incentives*, investigate *incriminating, exonerating and extenuating factors*), Intelligence - **Asset Tracing and Financial Profiling of defendant**, need for a **controlled delivery** of bribery cash?
- **Plea Bargain**: give it a chance – less tedious and cheap
- **Case plan** (road map) – from investigation to conclusion – **keep end result** in mind: conviction and or recovery
- **Checklist** of all steps and actions to be taken and by who, exhibits, witnesses, stakeholders' cooperation / engagement etc
- **Build team(s)** of investigators (professionals e.g. IT experts / accountants) with a case manager and consult superiors /seniors

Cont.....

- **Prosecution-led investigations** right from scratch (*civil law system - inquisitorial / common law judicial system – adversarial / Mixed law jurisdictions /International criminal tribunals drawing from both legal systems*)
- **Maintain high levels of professionalism** amongst officers of Law Enforcement Agencies (*competency integrity - corruption, etc*)
- **Admissible evidence**: collection and storage, wrongfully acquired evidence (*through torture*), turning intelligence into admissible evidence
- **Prepare likely applications** (*e.g. freezing order / restrictions / bail objection*) - by **who, why, how** and **when** – before, during or after trial
- **Caution**: avoid being sued for wrongful seizure and or arrest
- **Training and sensitizing stakeholders** (*judiciary*), sharing experiences and benchmarking.

Cont.....

- **In court: prosecutor**
 - to apportion **guilt**- this is **evidence based**-each defendant's contribution/participation (*e.g. conspiracy, aiding and abetting*) and extent of **loss caused** to be proved(*individual criminal liability*)
 - move for **specific compensation or confiscation orders** with **solid evidence and reasons** hence the need to demonstrate an assessment of benefits of corruption / proceeds of crime for each defendant. Leave nothing to court!

Cont....

Cases

- In **Uganda v Lwamafa Jimmy and 3 Ors HCT-00-ACD-SC-NO.0003/2016** each defendant was ordered to refund a specified amount of money as proved by prosecution.
- In **Uganda v Hon. Eng. Abraham Byandala and 6 Ors HCT-SC No.12 of 2015** no award for compensation was made because prosecution failed to quantify and apportion the loss
- In **Biira Esther Kule v Uganda/DPP and 2 Ors, (Execution and Bailiffs Division) MA No. 1261 of 2018** the application for attachment and sale failed because the property was a matrimonial home acquired way before the commission of the crime.

Zambia

VIRTUAL COMMONWEALTH REVIEW MEETING OF HEADS OF ANTI-CORRUPTION
AGENCIES IN AFRICA

7TH – 9TH SEPTEMBER 2020

**THEME: ASSESSING ANTI-CORRUPTION AND ASSET
RECOVERY EFFORTS IN AFRICA**

PRESENTATION BY

MRS. ROSEMARY NKONDE-KHUZWAYO

ACTING DIRECTOR-GENERAL

ANTI-CORRUPTION COMMISSION

ZAMBIA

I.0 Introduction

Zambia is a signatory to the United Nations Convention against Corruption (UNCAC). Since its membership to the Convention, the country has endeavoured to abide by and implement the requirements and provisions enshrined in various instruments including meeting resolutions.

Zambia is also a member of the Association of Anti-Corruption Agencies in Commonwealth Africa (AACACA) since its formation in 2011.

The theme for the year 2020 virtual meeting **“Assessing Anti-Corruption and Asset Recovery Efforts in Africa”** for Heads of Anti-Corruption Agencies in Commonwealth Africa could not have come at a better time than now. This is because criminals engaged in financial and economic crimes have for a long time looked at corruption as a lucrative evil as they benefit from proceeds of crime even after being convicted for their corrupt acts. This trend of criminals having access to proceeds of crime has immensely contributed to underdevelopment of many countries, particularly in Africa.

Zambia has to a certain extent made some positive developments in Asset recovery locally and has forged some partnerships in other jurisdictions. This is to ensure that illegally acquired assets which in most cases are externalized are returned back to Zambia as it will be demonstrated in this paper as follows:

- Background to Asset Recovery in Zambia.
- Legal Provisions for Asset Recovery.
- Efforts in Asset Recovery.
- Success Story of Asset Recovery.
- Challenges.

2.0 Background to Asset Recovery In Zambia

Prior to Zambia domesticating the UN Convention Against Corruption (UNCAC) in 2010, the country relied on the Corrupt Practices Act of 1980 which was later amended in 1996 and become the Anti-Corruption Commission Act, Chapter 91 of the Laws of Zambia and the Penal Code as the principal pieces of legislation used in the fight against illegally acquired assets. However, these laws were not effective

enough as they were not responsive to the advancement in technology, the style and manner as well as sophistication involved in the commission of financial crimes. These were to a considerable extent beyond the ambit of the said legislation, hence the need to amend the law as well as ratify and domesticate some initial instruments, conventions and protocols.

To this effect, Zambia ratified the following initial instruments *inter-alia*:

- United Nations Convention Against Corruption.
- The African Union (AU) Convention on Preventing and Combating Corruption.
- Southern Africa Development Community (SADC) Protocol Against Corruption.

3.0 Legal Provisions

In addition to the ratification of the instruments, in 2010, Zambia enacted several laws for purposes of combating corruption and other financial crimes. These legal provisions are as follows:

- a. Forfeiture of Proceeds of Crime Act of 2010.
- b. Financial Intelligence Act of 2010.
- c. Public Interest (Whistleblower Protection) Disclosure Act of 2010.
- d. National Prosecutions Act of 2010.
- e. Plea Negotiations and Agreements Act of 2010.

4.0 Asset Recovery Efforts in Zambia

Currently, cases of money laundering and other economic and financial crimes are dealt with by the Anti-Money Laundering Unit of the Drug Enforcement Commission, the Anti-Corruption Commission and the Anti-Frauds Department of the Zambia Police Service. However, in order to effectively deal with forfeiture of stolen assets and management of recovered assets, the government of the Republic of Zambia approved a revised operational structure of the country's National Prosecutions Authority so that it could include the Asset Forfeiture Unit. The Unit is mandated to implement the Forfeiture of Proceeds of Crime Act.

However, the Anti-Corruption Commission has also established its own Asset Recovery and Asset Management Units.

Another effort is that Zambia is a founding member of the Asset Recovery Inter-Agency Network of Southern Africa (ARINSA). Through ARINSA, Zambia hopes to enhance its determination to deprive criminals of their ill-gotten profits through exchange of intelligence information, capacity building and can provide recommendations to Southern Africa Development Community (SADC) and the African Union (AU) on matters of tackling corruption and financial crimes.

Further, Zambia is a member of International Police (INTERPOL). Its membership to INTERPOL has helped the country to speedily recover stolen assets and has also helped other countries recover their stolen assets that are in Zambia especially in instances where Mutual Legal Assistance has proven to be difficult to obtain.

5.0 Success Story of Asset Recovery for Zambia

Zambia has some success stories in asset recovery and one such story is the case of TEDWORTH Properties Incorporation Limited which was incorporated in Panama in relation to the way four (4) real estate properties were acquired in Zambia.

- In 2002, ACC instituted investigations of suspected corruption against Tedworth Properties Incorporation Limited (Panama) in the manner properties (4 Housing Complexes) were acquired in Zambia.
- Investigations revealed that the properties were managed by Zambians.
- Managers were unable to disclose the real beneficiaries of the properties.
- A Gazette Notice was made publicly and after 3 months no claim was made on the properties.
- ACC issued an Order for Properties to be forfeited to the State using the legal provisions available at the time.
- Tedworth Properties then acted through the High Court claiming ownership of the properties and accusing the ACC of having illegally issued a forfeiture notice.
- In 2010, the High Court ruled in favour of Tedworth Properties and asked the ACC to account for the management of the Properties.
- The ACC then appealed to the Supreme Court against the High Court Ruling.
- In 2016, the Supreme Court overturned the High Court Ruling stating that the Gazette Notice issued through the Corrupt Practices Regulations was legal and that the disputed properties be forfeited to the State.
- It was also learnt that the Properties whose beneficiaries were initially unknown actually belonged to the second Republican President Dr. Frederick Chiluba.
- The properties had been on rent to various clients since the time of the seizure and court proceedings and rentals had been accruing and were being managed by the ACC.
- The accrued rentals by December 2017 were over **US \$ 40 million** in the local currency bank account and over **US \$1.2 million** in the foreign currency account.
- These properties have since been forfeited to the state and have the market value of **US \$ 400 million**.

Since the Asset Recovery and Asset Management Units were established in the Anti-Corruption Commission of Zambia, a total of 82 properties among which 62 are movable while 20 are immovable have been recovered. The movable properties include Ten thousand United States Dollars (US\$10,000.00) Cash, 6 pieces of Natural Diamonds Weighing 11.9 Carats, various ICT Equipment and household goods while the immovable properties mainly consist of pieces of land and housing units. As at the end of 2019, funds in asset forfeiture accounts stood at KWACHA ACCOUNT: ZMW 3, 299, 599. 18 equivalent to US \$ 178,356 and in the DOLLAR ACCOUNT: US\$ 238, 567. 23.

6.0 Challenges in Asset Recovery

In asset recovery, many challenges have been identified and they have been said to retard institutional efforts to deprive criminals of stolen property. The following are but some of the challenges:

6.1 **Incompatibilities between legislations and court process** – legally, it has been noted that restriction notices on properties tend to be time-bound with a specific timeframe within which they are active while on the other hand investigations would take longer periods than the restriction notices.

6.2 **Lack of cooperation** – it has been identified that cases that are transnational in nature are difficult to deal with especially in instances where there is no bilateral agreement between countries.

6.3 **Lack of technical expertise** – The area of asset recovery is said to be relatively new. This therefore means that professionals involved in asset recovery and management of forfeited properties do not have adequate expertise to institute appropriate processes when there is need to do so.

6.4 **Demands by countries holding tainted properties to retain 20% worth of the forfeited properties** – There is always demand by countries that hold tainted property to also benefit from the forfeited property, a situation which some countries have described as inappropriate in law enforcement.

6.5 **Variations of offences** – Matters or actions that may be criminalized as corruption in one jurisdiction maybe considered to be customary in others thereby posing a challenge when it comes to transnational financial crimes.

6.6 **Inadequate financial resources** – This poses a challenge to developing countries to follow up assets that are stashed in foreign jurisdictions and to deal with lengthy legal processes that may require several international travels.

7.0 Conclusion

All UNCAC members need to cooperate and demonstrate full commitment in asset recovery and return of proceeds of crime. The members should also make available contact persons or institutions as technical experts in international cooperation and asset recovery to make it possible for effective support in meeting legal requirements especially in Mutual Legal Assistance.

Given the complexity involved in recovering stolen assets, there is need to expand on building and disseminating knowledge and international best practices.

Namibia



11th Commonwealth Regional
conference for heads of Anti –
corruption Agencies in Africa



ONLINE MEETING

09 – 10 SEPTEMBER 2020



BE PART OF THE FIGHT!



ANTI-CORRUPTION COMMISSION OF NAMIBIA

List of Abbreviations

ACC	Anti-Corruption Commission
CSOs	Civil Society Organisations
ECN	Electoral Commission of Namibia
FIC	Financial Intelligence Centre
LAs	Local Authorities
MFMR	Ministry of Fisheries and Marine Resources
MICT	Ministry of Information and Communication Technology
MITSMED	Ministry of Industrialisation, Trade and SME Development
MME	Ministry of Mines and Energy
MOF	Ministry of Finance
MOJ	Ministry of Justice
MOPE	Ministry of Public Enterprises
MPs	Members of Parliament
NCCI	Namibia Chamber of Commerce and Industry
NDP	National Development Plan
NIPAM	Namibia Institute for Public Administration and Management
NPC	National Planning Commission
OOJ	Office of the Judiciary
OPM	Office of the Prime Minister
PEs	Public Enterprises
SDG	Sustainable Development Goals
ToR	Terms of Reference
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
OMAs	Offices Ministries and Agencies

1. Introduction

This paper presents Namibia's context in the fight against corruption. It will outline projects initiated at all levels, positive outcome / results of the initiated projects, challenges encountered during the implementation of projects, lessons learned from the country Namibia visited during the term under review 2018 / 2019 and recommendations for future reference.

The second part of this paper will focus on the National Anti-Corruption Strategy 2016 – 2019 implementation, the successes and challenges.

2. Namibia in the Fight Against Corruption

2.1. Anti-Corruption Act Anti-Corruption Act, Act No. 8 of 2003

Namibia is a constitutional democracy, with separation of three branches of the state; namely: the Legislative, the Executive and the Judiciary. Her democratic system also includes a parliamentary two-chamber system comprising the National Assembly (law-making body) and National Council (house of review). Thus, in 2003, the

Anti-Corruption Act was enacted and came into operation in 2005. Then, the Anti-Corruption Commission (ACC) became fully operational in 2006, with the mandates to receive or initiate and investigate allegations of corrupt practices; educate the public and disseminate information on the evils and dangers of corruption; and take measures for the prevention of corruption in public and private bodies.

2.2. Namibia's Vision 20130, NDPs 1–5 & Harambee Prosperous Plan (HHP)

The governance scene in the country has seen a tremendous growth path in the process of strengthening the country's governance architecture. Since 1995, every fifth year, Namibia has to develop a five-year National Development Plan and in addition, a Harambee Prosperous Plan, which was introduced in 2016. In all those national plans, fighting corruption has been one of the target issues; and the realization of the need to do more has resulted in the issues of transparency and accountability being accorded a central role in the Harambee Prosperity Plan under the two sub-pillars: Accountability & Transparency and Improved Performance & Service Delivery.

3. Projects Initiated

3.1 Namibia's New Public Procurement Act

In 2015, Namibia enacted a new Public Procurement Act, Act No.15 of 2015 and the Act came into effect on 1st April 2017. The following actions are 100% implemented.

1. Ministry of Finance has set up a special unit (Procurement Policy Unit) that will investigate concerns regarding the adjudication and award of tenders and give feedback to the public.
2. The Central Procurement Board is established.
3. Internal Institutional Procurement Committees are established in each Office, Ministry and Agency.
4. National workshop was conducted from April 2017 / 18 for all public institutions to introduce the new Public Procurement Act and strictly enforce its implementation by all Offices, Ministries and Agencies.
5. Decentralised Procurement Management Units were established at all Regional Councils in the country.

The trainings were one of the major challenges, as all the OMAs staff needed to be trained on New Procurement Act.

3.2. Whistle Blowers Protection Bill

The Whistle-blower Protection Act 10 of 2017 and Witness Protection Act 10 of 2017 were passed by Parliament; however, they are not yet come into force. Both will come into force on the date to be determined by the Minister of Justice in the Government Gazette.

3.3. Income & Assets Declaration

As reported in the previous country paper, the Government of the Republic of Namibia has strengthened the fight against corruption by introducing the income and assets declaration by Public Office Bearers. His Excellency the President of the

Republic of Namibia Dr H G Geingob has declared publicly his assets to the public. Other Political Office Bearers and Civil servants are also obliged to declare their business interests.

The government is contemplating the idea of consolidating the law on declaration of assets by public officials.

3.4. Examining Systems, Practices and Procedures

To further strengthen the fight against corruption the Anti-Corruption Commission aggressively implements the two main preventative measures to deter corruption in both public and private institutions. These are: Corruption Risk Assessment (CRA) and System Examination. During the term under review, the Directorate of Public Education and Corruption Prevention successfully managed to conduct a total number of 25 CRAs including OMAs, Local authorities, Political Office Bearers and private Sectors.

3.5. Ethics and Integrity Training

The National Anti-Corruption Strategy and Action Plan 2016 – 2019 calls for both public and private sector accountability and has led the Anti-Corruption Commission to develop the ethics and anti-corruption training guide for Offices, Ministries and Agencies (O/M/As).

The Anti-Corruption Commission developed Ethics and Anti-Corruption Guide in 2018. The guide has been developed with the understanding that a sustainable fight against corruption in Namibia can only be achieved if all the OMAs will work together with the Anti-Corruption Commission (ACC) during the implementation of the ethics and anti-corruption programmes. While actions will vary from institution to institution, the guide focuses on the fundamental premise of a public official's duty as a "steward" to the public. In other words, the guide focuses on the moral justification and consideration for decisions and actions made during the completion of daily duties when working to provide the general services of government.

Moreover, the guide is a response to the National Anti-Corruption Strategy and Action Plan 2016 – 2019 to ensure that the attitudes of Namibian residents towards corruption are changed in order to ensure the sustainable economic development of the country by 2030. Although the guide is primarily intended to be used by the ACC staff in training public officials on ethics and anti-corruption, all O/M/As, Private Sectors and Civil Society organizations can make use of the guide and strengthen our collective efforts to stamp out the menace of corruption. From 2018 to 2020, the Directorate of Public Education and Corruption Prevention have successfully conducted training to more than 35 public institutions in Namibia. The main purpose of this training is to strengthen a culture of integrity, trust and highest standard of ethics. To further facilitate a trustworthy public service.

3.6. Partner Exchange and Peer to Peer Engagements

The Anti-Corruption Commission has visited fellow Anti-Corruption Agency in Commonwealth African countries such as Mauritius and Kenya during the review period. Two officials went to Mauritius, and other two visited Kenya. The purpose of the visits was to learn how other agencies conduct system analysis. This includes examining the practices, systems and procedures of public and private bodies to facilitate the discovery of incidents that constitute corrupt practices and securing the revision of those practices Anti-Corruption Act 2003, Act (No. 8 of 2003).

In search for a solution, the Anti-Corruption Commission in collaboration with GIZ embarked upon a three years project, called Peer-to-Peer Learning Alliance, which was launched in Frankfurt, Germany in May 2019. The Alliance is aimed at allowing member countries to learn the best practices and share experiences with other Anti-Corruption authorities. The outcome of the workshop in Germany paved the way for the development of the Action Plan for the Peer-to-Peer Learning Alliance. The plan amongst others outlines the benchmarking activity that took place in October 2019 at Ethics and Anti-Corruption Commission (EACC), in Nairobi, Kenya.

The organization considers the practitioner exchanges and peer to peer engagements as an important tool with the potential to equip officials with practical and hands-on knowledge and applied skills to effectively and efficiently investigate and prevent corruption. Such exchanges are, however costly. Namibia, like many countries, has been faced with resource constraints and has to align its budgetary processes to focus on priority sectors as identified under the prevailing financial circumstances.

4. National Anti-Corruption Strategy and Action Plan (NACS)

4.1 Background and Context

The Government of the Republic of Namibia signed the United Nations Convention against Corruption (UNCAC) in 2003 and ratified it in 2004. The UNCAC is one of the international instruments that prompted the development of the National Anti-Corruption Strategy and Action Plan 2016-2019 (or "Strategy"). Article 5 of the UNCAC requires State Parties to develop and implement a comprehensive national anti-corruption Strategy. The Anti-Corruption Commission (ACC) was given the role of coordinating the implementation of the Strategy. The following six Strategic Objectives informed the activities (75 actions) and implementation under the Strategy:

- 4.1.1 Increasing level of political accountability;
- 4.1.2 Preventing corruption in government offices, ministries, agencies and public enterprises;
- 4.1.3 Strengthening efforts to deter corruption;
- 4.1.4 Conducting extensive anti-corruption education;
- 4.1.5 Preventing corruption in the private sector; and
- 4.1.6 Engaging civil society and the media in anti-corruption drive

4.2 Implementation of National Ant-Corruption Strategy

The National Anti-Corruption Steering Committee ("Strategy Steering Committee), assisted by the Secretariat at ACC, monitored the implementation of the Strategy. The Strategy was approved by Cabinet in August 2016 and launched on 26 September 2016. An induction workshop Strategy for the members of the Strategy Steering Committee preceded the actual implementation. Four Clusters, as well as a Secretariat comprising of ACC staff members, were also formed. The ACC Secretariat assisted the Strategy Steering Committee in coordinating and monitoring the implementation of the Strategy, which started early 2017 and ended in March 2020.

Table 1 Activities of the NACS Action Plan

Cluster Number	Strategic Objective #	Strategic Objective Description
Cluster 1	1	Increase level of political accountability
	3	Strengthening efforts to deter corruption
Cluster 2	2	Preventing corruption in OMAS & PEs
Cluster 3	4	Conducting extensive anti-corruption education
	6	Engaging civil society and the media in combating corruption
Cluster 4	5	Prevent corruption in the private sector

The Strategy Steering Committee was divided into four Clusters, with each Cluster overseeing the implementation of actions under one or two Strategy objectives. Activities in the Strategy Action plan were categorised under Clusters as illustrated in Table 1.

The Strategy aimed to bring all stakeholders under one roof to make their due contribution to promoting good governance. Good governance is the key to Namibia's economic growth and development, as indicated under the fourth pillar of Namibia's Fifth National Development Plan (NDP5). To achieve this, all sectors were required to develop policies and programmes that promote transparency and accountability. Transparency and accountability of government institutions align with achieving Outcome 4 of the UN Partnership Framework (UNPAF) 2019-2023. A National Anti-Corruption Steering Committee comprised of accounting officers from selected O/M/A's and representatives from private sectors, civil society organisations and the media is established. The main function of the Committee is to coordinate, monitor and evaluate the implementation of the Strategy.

A Monitoring and Implementation Roadmap of the Committee was also developed in February 2017; in which the six strategic objectives are clustered and each cluster has a responsible institution/s to close-monitor its effective implementation. Since the roll-out of the Strategy, the main stakeholders carrying out the 75 actions (see annexure) have been the 22 implementing institutions, as indicated in Table 2.

The Anti-Corruption Commission (ACC) jointly with the Office of the Prime Minister (OPM) facilitated an induction and training programme for members of the newly established Integrity Committees from various Offices/Ministries/Agencies (OMAs) and Regional Councils. The training was initiated with the objective(s) to capacitate Integrity Committee members to understand their roles as well as ensure compliance and reduce the risks of corruption in public institutions. The training for OMAs took place at the Anti-Corruption Commission Headquarters in Windhoek from September 23 to October 23, 2019. The training for members of the Integrity Committee from the Regional Councils took place at Otjiwarongo (11-12 November 2019), Oshakati (14-15 November 2019) and Windhoek (19-20 November 2019).

To date, Integrity committee are established in all OMAs and 99% are trained, with only one regional council integrity committees not trained.

Table 2 Implementing Institutions of NACS

Implementing Institutions	Number of actions implemented
ACC	20
MOJ	9
MME / MFMR	7
OPM	7
Procurement Policy Unit	2
Parliament Integrity Committee	2
NPC	1
MOPE	2
FIC	1
MITSD	1
Editors Forum	1
Judiciary	1
NCCI	1
Media Ombudsman & Editors Forum	1
MOF	9
ECN	3
MICT	1
NIPAM	1
Ombudsman	1
NACS	1
Parliament	1
Auditor General	2
Total	75

Figure 1 Integrity committees training at ACC Head Office in November 2019**Q1**

4.3 Innovation: Development of an Application for Reporting Corruption

The above activity was the result of cooperation between the Anti-Corruption Commission, Office of the Prime Minister (OPM) NUST and the UNDP Accelerator Lab by way of a hackathon to develop a solution to assist the public in reporting suspected corrupt activities.

The Hackathon was virtually conducted over three days (Monday 27 July to Wednesday 29 July 2020) via MS Teams. It comprised of training on Monday, judging all entries to the service innovation hacks on Tuesday and judging the final 10 on Wednesday. Scoring rubrics were developed for the first round as well as for the final round. The aim of developed application is to accelerate the reporting of corruption by the members of the public, particularly young people.

4.4 Evaluation and Review of the National Anti-Corruption Strategy

The Secretariat at the ACC, the coordinating institution of the Strategy has initiated an internal evaluation exercise. The team of evaluators are conducting the exercise during the 2020/21 financial year.

As indicated previously, the Strategy was approved by Cabinet in August 2016 and launched on 26 September 2016. An induction workshop Strategy for the members of the National Anti-Corruption Steering Committee preceded the actual implementation. Four Clusters, as well as a Secretariat comprising of ACC staff members, were also formed. The ACC Secretariat assisted the Steering Committee in coordinating and monitoring the implementation of the Strategy, which started early 2017 and ended in March 2020.

Accordingly, while the Strategy was planned to be implemented over four years (2016–2019), the evaluation will cover three years of Strategy implementation (2017, 2018 & 2019).

The evaluation aims to determine the extent to which the Strategy objectives were met. The exercise would also delve into the structural issues, including the capacity as well as positioning of the oversight Strategy Steering Committee and Secretariat.

The evaluation will:

1. Determine the progress achieved so far and determine the extent to which the Strategy objectives were met.
2. Determine the progress made by implementing institutions in carrying out their commitments to close the loopholes for corruption under the Strategy.
3. Identify areas for improvement and to learn lessons for executing the next phase of the Strategy.

Main deliverables of the evaluation will include:

- A draft evaluation report
- Best practices and recommendations that would translate to the formulation and drafting of the new anti-corruption Strategy for the period 2021 to 2025.

Accordingly, the development of a new anti-corruption Strategy would be preceded by the revision of the National Anti-Corruption Strategy and Action Plan 2016-2019.

An inception report outlining the review process has been crafted and presented to Cluster members for input. A full report on the Evaluation is in the process of finalization.

5. Challenges

Although there is political will in Namibia, the implementation of the National Anti-Corruption Strategy and Action Plan has not been easy during the term under review. Like other countries, economic recession and financial constraints were the major inhibitors to the successful implementation of the National anti-Corruption Strategy and Action Plan.

6. Recommendations

With the new Anti-Corruption Strategy and Plan of Action (2021-2025), ACC intends to strengthen the need for good governance by making use of opportunities offered through the promotion of international relations and cooperation. The Anti-Corruption Commission would therefore, resources permitting, undertake at least one such visit during the current financial year. In addition, it is our desire that the Commonwealth could link the ACC with the appropriate developed country to provide us with long-term support and focused expertise exchange in order to address our needs. The support should come in the following fields:

- a. Technical Assistance with the reviewing/drafting of the new National Anti-Corruption Strategy;
- b. Practical tool to conduct an in-depth systems examination to identify loopholes for corruption to secure revision of such systems; and
- c. Speedy financial evidence gathering to enhance the rate of prosecutions in reported cases.
- d. Innovative ways to reduce backlog on pending corruption cases

7. Conclusion

Like previous years, the Anti-Corruption Commission, on the whole, successfully carried out its mandate as placed upon it by both the Constitution of the Republic of Namibia and its enabling legislation. During the term under review, the Anti-Corruption commission is busy investigating couples of high profile cases (including what is well known as "**fish-rot scandal**") with the support of other law enforcement agencies in Namibia. Most of the activities carried out were focused on enhancing good governance. But ACC intends to learn from international best practice by, at least, visiting one peer agency during the current financial year, if financial resources make it possible.

Lesotho



INTRODUCTION

- In recent decades, it has become increasingly clear to the international community that the criminal justice system does not live up to the adage that crime does not pay.
- Criminals are for a variety of reasons able to keep and enjoy the spoils of their crime.
- This is offensive to public morality and is in itself a powerful incentive for crime.
- The reason for this trend is the recognition that criminal forfeiture on its own is an insufficient law enforcement tool.
- The development of a new strategy is civil in nature and is independent of criminal prosecution. It is an effective way to quickly deal with property to safeguard against its dissipation and hiding.
- The purpose of asset forfeiture has expoundly been articulated in many jurisdictions being to:
 - ✓ Remove incentive for crime
 - ✓ Deter persons from using or allowing their properties to be used in crime
 - ✓ Eliminate or incapacitate some means by which crime may be committed; and
 - ✓ Advancing the ends of justice by depriving those involved in crime of the property concerned

- Each state party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.
- Our three pronged strategy, namely prevention, education and investigation has proved to be insufficient.
- We have introduced asset recovery strategy believed to be an effective strategy in the fight against corruption. *Its effectiveness depends largely on the partnership* with the outside world, therefore developing partnership agreements will be ideal.
- Developing major partners and networks across the globe bears fruits in many respects especially in providing platforms for education, developing investigative and prosecutorial skills, creating informal networks for sharing of information and sharing strategies and best practices.
- In modern times the world is challenged with financial illicit flows of monies from one jurisdiction to another. We together have to work hand in hand to cut the chain of crime, as it does not pay.

THE IMPACT OF COMMONWEALTH SECRETARIAT ON ACAA

- Anti-Corruption Agencies in Commonwealth Africa is a network of national agencies established in 2011 to promote collaboration and peer learning, and strategies. Commonwealth will always invite experts in the field to share their knowledge.
- Commonwealth Deputy Secretary-General Deodat Maharaj once said:
- "Corruption is an obstacle to sustained national development: It adversely affects business expansion and job creation thereby constraining growth. It undermines public confidence and threatens the rule of law. Addressing corruption will also result in more resources being available to invest in the people of Commonwealth Africa in areas such as health and education."
- Commonwealth has shown commitment to supporting African member countries in their fight against corruption. It always provides a platform for discussion and sharing of national experiences and is an opportunity for agencies to strengthen ties, forge partnerships and co-operate beyond the week-long meeting.
- Lesotho becomes the beneficiary and recipient of good works by Commonwealth Secretariat. Recently Commonwealth emphasized on invocation and implementation of asset recovery as a robust and effective tool in the fight against corruption and money laundering.

Facts of certain cases

- Standard Lesotho Bank:

 - MONOT profile was created and linked to three companies' accounts by a bank employee;
 - The MONOT profile was further linked to six Government Sub-accountancy accounts and information files;
 - The funds in the Government accounts were all transferred into the MONOT profile;
 - From the profile 10 million was transferred to various accounts held in Nedbank, FNB and Standard bank in RSA as well as local banks;
 - 7.7 million was disbursed to purchase property in Lesotho.
 - Property and funds in the bank accounts were frozen and recovered.
- Victoria hotel:

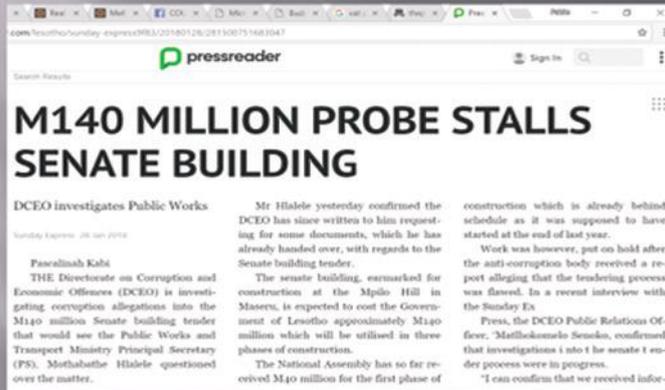
 - The former Minister of finance, former Deputy Governor of the RSA and former Executive director of World Bank corruptly awarded a contract in respect of a Government hotel;
 - On the basis of corruption, further unlawful activities of money laundering were committed;
 - 100 million as proceeds of the unlawful contract were transferred to RSA;
 - The contract, the hotel and bank accounts have been preserved.
- Tsepo Financial Services:

 - Two employee syndicate would recruit both fictitious and legitimate companies to enter into a loan scheme agreement with TFS.
 - They would further randomly recruit non-employees of those companies, forge payslips and letters of employment to represent to TFS as employees whereas they were not.
 - TFS was defrauded 5 million in a period of three months and the money was disbursed to purchase property. 17 accused have been charged with money laundering and property have been frozen.

Frozen contracts



Senate contract



Some of seized assets

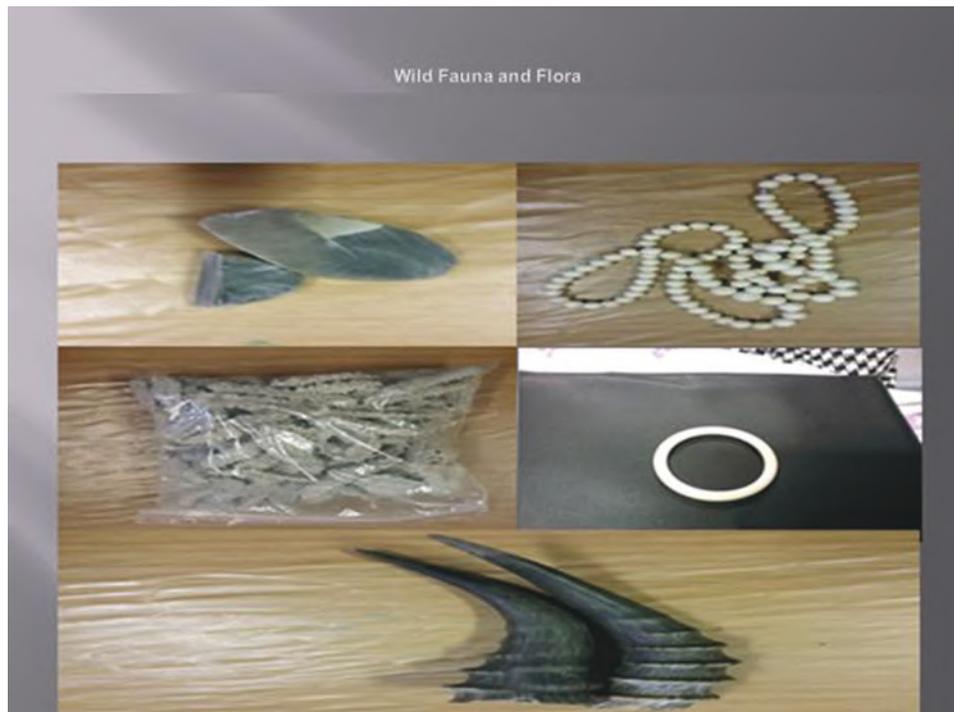


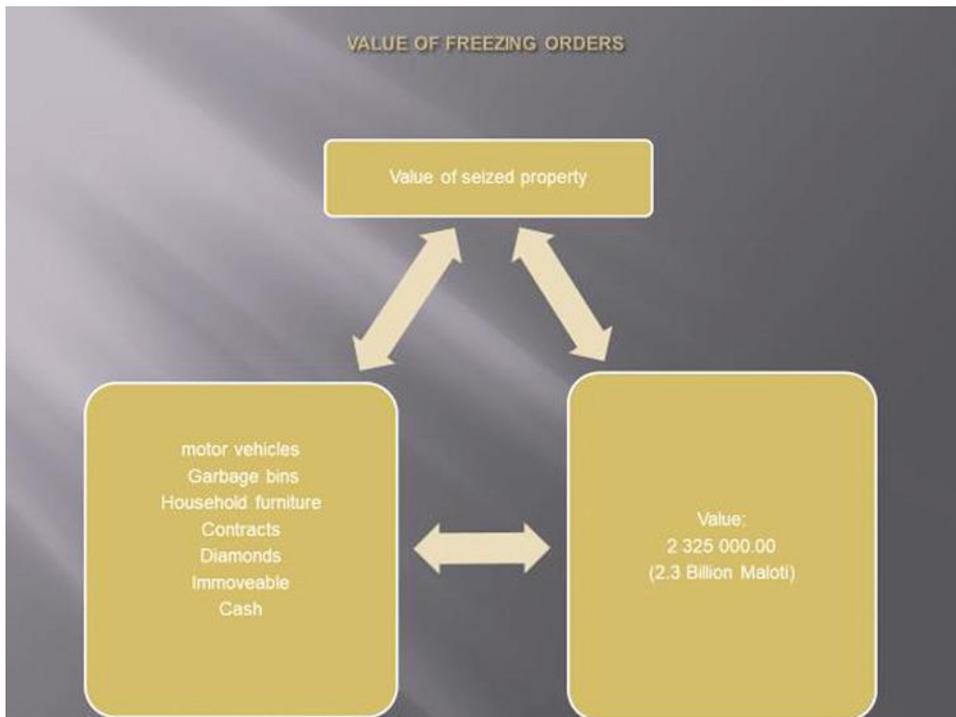
















Importance of partnership with stakeholders



COUNTRY VISIT

- We were able to visit Asset Forfeiture Unit (AFU) – National Prosecuting Authority (NPA) in the Republic of South Africa (RSA) in April this year. We spend 3 days learning and studying the mandate of asset forfeiture unit, operations, policies and processes, their successes and challenges, how they establish relationships and partnerships with key stakeholders.

Study Tour to AFU – RSA

Former AFU Head, Willie Hofner and Head of Operations, Knox Molele giving us an in-depth knowledge on asset forfeiture and AFU operations.





ADDITIONAL EFFORTS IN COMBATING CORRUPTION

- ▣ Asset Recovery Unit
 - Established in 2018
- ▣ Declaration of assets
 - It started with public officers to declare assets (DCEO) in 2018
 - Some Parliamentarians followed
 - All Judges did
 - All Cabinet members did in 2020
- ▣ Lifestyle audit
 - Prioritising officers at old age, power utility, and institutions prone to corruption
- ▣ Government property
 - Hundreds of government properties have been leased out corruptly
 - We have requested database of all properties
 - We are embarking of investigations
- ▣ Anti-Money Laundering Team
 - We have build an anti-money laundering team and have prioritized project cases (that have big value and public interest)

- Training of officers
 - UNODC trained 7 Prosecutors on asset recovery from 2014 to date
- Specialized court
 - Rules for the court are at the final stage
- Independence of the Authority
 - The Bill has been approved by Cabinet and will be presented before Parliament after vacation
- Agreements with major Stakeholders
 - Have entered into Memorandum of Understanding (MOU) with
 - ✓ Police
 - ✓ Tax authority
 - ✓ Financial Intelligence Unit
 - ✓ Institute of accountants
 - ✓ Land authority

Thank you

- We are committed to taking proceeds from crime in Lesotho.

Deploying Resitution in the Administrative Sanction Systems of MDBs for Asset Recovery – Alan Bacarese



African Development Bank Office of Integrity and Anti-corruption

Virtual Commonwealth Regional Meeting of Anti-Corruption Agencies in
Commonwealth Africa
Monday 7 – Wednesday 9 September 2020



Bank New Strategy - The High 5s



- Corruption remains a threat to development in Africa. It poses a risk to achieving the High 5s.
- It negatively affects the Bank's reputation and can potentially erode the trust of partners and shareholders.
- It can impede resource mobilization efforts and can hinder the Bank's efforts to stimulate sustainable economic development and social progress in Africa.



Fiduciary arrangements and Strategy

- ❑ Establishing key Departments:
 - ❑ Economic & Financial Governance,
 - ❑ Ethics Office, Ombudsman, Staff Appeal Committee and Administrative Tribunal for internal accountability and recourse processes
 - ❑ Office of the Auditor General
 - ❑ Procurement, Fiduciary and Inspection Department
- ❑ Developing rules, procedures and policies:
 - ❑ Staff Rules and Regulations
 - ❑ Staff Code of Conduct
 - ❑ Code of Conduct for Executive Directors
 - ❑ Financial Regulations & Disbursement Manual
 - ❑ Procurement Rules
- ❑ **Establishing the Office of Integrity & Anti-Corruption in 2006**





OFFICE OF INTEGRITY & ANTI-CORRUPTION MANDATE

PREVENTION

- ❑ DEVELOP PREVENTIVE MEASURES TO PROACTIVELY REDUCE THE POTENTIAL FOR STAFF MISCONDUCT, FRAUD OR CORRUPTION WITHIN BANK GROUP FINANCED OPERATIONS THROUGH RISK ASSESSMENTS, SENSITIZATION, OUTREACH PROGRAMMES, DUE DILIGENCE, AND OTHER ACTIVITIES
- ❑ MAINSTREAMING INTEGRITY ISSUES IN BANK GROUP OPERATIONS AND ACTIVITIES
- ❑ PROVIDING SUPPORT TO REGIONAL MEMBER COUNTRIES ON FIGHTING CORRUPTION AND ENHANCING INTEGRITY
- ❑ PARTICIPATION IN INTERNATIONAL AND REGIONAL INTEGRITY INITIATIVES

INVESTIGATION

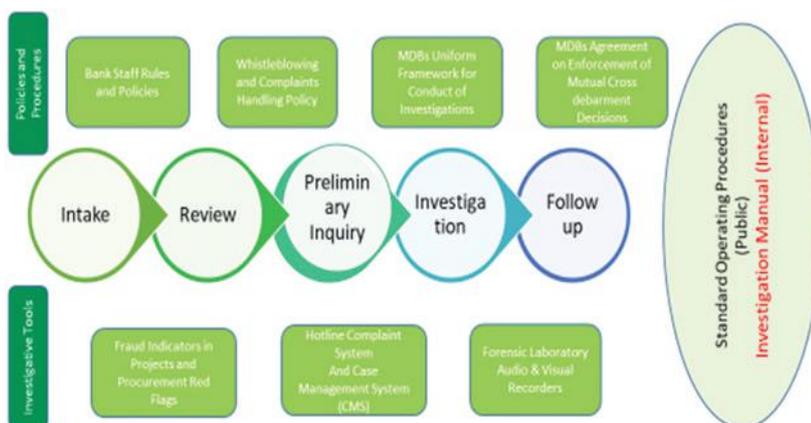
- ❑ CONDUCT INVESTIGATIONS INTO ALLEGATIONS OF FRAUD, CORRUPTION, COERCION, COLLUSION, OBSTRUCTIVE PRACTICES (SANCTIONABLE PRACTICES) RELATED TO BANK GROUP FINANCED OR SUPPORTED OPERATIONS, CORPORATE PROCUREMENT OR ADMINISTRATIVE BUDGETS OF THE BANK.
- ❑ CONDUCT INVESTIGATIONS INTO ALL ALLEGATIONS OF MISCONDUCT INVOLVING STAFF MEMBERS.



Basis of MDB's Investigations & Sanctions



Investigative Process and Tools





Sanctions Regime



- Independent two-tier sanction regime
 - Sanctions Commissioner
 - Sanctions Appeals Board
- Applies to **Sanctionable Practices** in AfDB financed operations: **Fraud, Corruption, Coercion, Collusion, Obstruction**
- Standard of Proof: **more likely than not**
- Administrative process



Impact of Sanctions

- Publication of debarment and cross debarment;
- Ineligible for AfDB and other MDB Financing;
- Removal/Withdrawal from project;
- Removal from debarment may be subject to conditions;
- Sanctions may affect affiliates; and
- **National Enforcement Actions**
- (Cross debarment Agreement adopted by MDBs 9 April 2010)

Default with One, Get Punished by the Others



Use of Restitution, Penalties & Cooperation

- African Integrity Fund
- Restitution/Penalties
- Cooperation with Law Enforcement
- Referral of PIAC materials

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Deploying Blockchain Technologies in the Fight Against Corruption – Dr Roger Koranteng



The Commonwealth **Blockchain Technologies**

- Blockchain emerged first in the financial industry, building on cryptocurrencies such as Bitcoin but blockchain is not bitcoin.
- The requirements and implications of blockchain in the public sector, however, are yet to be fully understood.
- Blockchain is generating much interest because of the potential it holds to transform the way government works and to create trust in governments.
- Blockchain solutions and its disruptive potential cannot be overstated.
- Blockchain has the potential for key functions such as the verification of identity, the registry of assets, and the certification of transactions

 The Commonwealth **Blockchain Technologies**

- The problem blockchain seeks to address is to ensure the security and integrity of information.
- It is a technology that allows one to record assets, transfer value, and track transactions in a decentralized manner,
- Ensuring the transparency, integrity, and traceability of data without a central authority to authenticate the information.
- It is essentially a system to encrypt information and a shared database.
- It is based on a consensus mechanism amongst trusted parties to certify the information and validate transactions.

 The Commonwealth **Blockchain and Anti-Corruption**

- Blockchain has two distinctive features that make it a potent tool against corruption.
- **First**, it provides an unprecedented level of security of the information and the integrity of records it manages, guaranteeing their authenticity.
- It eliminates opportunities for falsification and the risks associated with having a single point of management of data.
- It also helps overcome the data silos in traditional bureaucracies in which public entities are reluctant to share information among themselves.

 The Commonwealth **Blockchain and Anti-Corruption**

- **Second**, blockchain provides a transparent and decentralised system to record a sequence of transactions, or “blocks.”
- Blockchain creates an immutable trail of transactions, allowing for the full traceability of every transaction.
- According to *New America*, a think tank, “a public blockchain provides regulators and law enforcement with a roadmap to identify illicit activity or malfeasance by leaving enough digital clues to identify bad actors.”



The Commonwealth

Blockchain and Anti-Corruption

- Blockchain is also being tested to create tamper-proof company registries, making it a potentially powerful tool to ascertain a company's beneficial owners.
- These blockchain-based company registries can make “know-your-customer” regulations easier to comply with and provide reliable information on the ultimate beneficial ownership of companies.
- E.g. in USA corporations to utilize blockchain for the registration and transfer of ownership of stock.



The Commonwealth

Blockchain and Anti-Corruption

- Blockchain is particularly suited to fight corruption in the registry of assets and the tracking of transactions such as procurement processes.
- By leveraging a shared and distributed database of ledgers, it eliminates the need for intermediaries, cutting red-tape and reducing discretions.
- Governments around the world have started pilot testing a variety of blockchain-based applications to strengthen public integrity. E.g. India, Dubai, USA, Estonia, Moldova, Jamaica, etc.



The Commonwealth

Pilot testing in Countries

- Jamaica, for example, is establishing a national identity system which will also be instrumental in countering money laundering by improving identity verification and the application of “know your customer” regulations.
- India is providing a single digital identity to its citizens, using biometric technology.
- Estonia is operating a national digital identity scheme, where personal information is stored on a distributed ledger that individuals control. Interestingly, each of these three systems encrypt identity information but not (yet) through blockchain technology.



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Pilot testing in Countries

- Sweden is testing a blockchain-powered land registry to make the details of real estate transactions visible to all interested parties.
- Georgia has started registering land titles using blockchain, and
- Ukraine is looking into blockchain to reform its land registry process.
- Ghana, where an estimated 78 percent of land is unregistered, is a good candidate for blockchain.
- Dubai has created an ambitious Dubai Blockchain Strategy, that seeks gains in government efficiency, cutting paper costs, and eliminating red-tape by putting all city transactions on blockchain.
- “We want to make Dubai the first blockchain-powered government in the world starting from 2020,” says Director General of Smart Dubai.



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Three Applications of Blockchain

- There are three important value propositions, or applications, for blockchain in combatting corruption: ***verifying identity, registering assets, and tracking transactions.***
- Blockchain’s decentralized nature and the immutability of its records make it a powerful tool in the fight against the corrupt practices and crimes, such as illicit trades, human trafficking and money laundering.
- **Verifying Identity:** A universal and secure legal identity provides the foundation to fight money laundering by allowing one to authenticate the identity of individuals and corporations.



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Tracking Transactions

- A set of blockchain applications to combat corruption focus on automating and tracking high-risk transactions, such as public contracts, cash transfers, and aid funds.
- Each year, according to the OECD, an estimated \$9.5 trillion dollars is spent on public sector contracts and large public investment projects.
- It is estimated that corruption adds up to 10 percent of the total cost of doing business globally and up to 25 percent of the costs of procurement contracts in developing countries.

The Commonwealth **Tracking Transactions**

- Technology-driven solutions provide transparency in public contracting, allowing one to detect red flags, bid rigging, phantom vendors, and price fixing using advanced analytics.
- Blockchain could add critical value to public contracting up to the delivery of the goods and services,
- By locking in critical information at every step of the procurement chain that can be monitored, tracked, and audited.

The Commonwealth **Smart Contracts**

- “Smart Contracts,” a transaction protocol programmed onto blockchain which is intended to automatically execute, control or document legally relevant events and actions according to the terms of a contract or an agreement.
- This will reduce the opportunities for fiddling with the process and increase the speed of transactions.

The Commonwealth **Requirements and Limitations**

- Potentially, blockchain technology can make a critical contribution to fighting corruption and anchoring integrity in the public sector; But we must be mindful of its requirements and limitations.
- **Regulatory uncertainty:**
 - The governance of blockchains—As a decentralised system, blockchain is supposed to be self-governing.
 - Governments opting for a public, permission-less blockchain would have to accept “that it will have virtually no control over how that system is governed.”

 The Commonwealth **Reliability of Records**

- The reliability of records, especially for first entries, is critical for the successful implementation of blockchain in government.
- There will always be the need for a gatekeeper to ensure the veracity of the information entered into individual blockchains.
- Like any other database, “in blockchain also ‘garbage-in-garbage-out’ system.”

 The Commonwealth **Reliability of Records**

- This means that the reliability of records stored on it depends entirely on how they are originated.
- If these conditions are not met, it is more important to fix them first before considering a blockchain.
- This is why governments deploying blockchain to protect public data and registrars should first address the weaknesses of institutions handling data.

 The Commonwealth **Challenge of costs and scalability of blockchain**

- Applications of blockchain-based solutions in the public sector have remained limited in scope, and their costs and scalability remains an open question.
- Considering their governance requirements and the amount of energy they consume.
- Blockchain will not replace the need for stronger institutions and, in fact, it can be most effective when we have a strengthened institutions



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Big data technology

Big data technology could be a promising investigatory tool to fight corruption.

The technology makes it possible to dis-aggregate data on government spending and contracting and to analyse it for signs of waste, fraud, and corruption.

It could be used to identify patterns of corrupt practices such as ‘whose family members got too many contracts’.



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So what are Prerequisites

There are a number of prerequisites that ought to be met for blockchain application to be effective. These include,

- ❖ The existing data must be accurate,
- ❖ Registries must be digitalized, and
- ❖ Digital identity system should be reliable.
- ❖ Existence of sufficient connectivity and energy,
- ❖ A tech-aware population, and
- ❖ Existing tech support services.



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Conclusion

- ❑ In a world traumatized by recurrent corruption scandals, the potential of blockchain is enormous and the promise it holds to eliminate fraud is simply too great to ignore.
- ❑ Records can be encrypted and stored across a network of computers, rather than in a central location, so they cannot be altered or stolen.
- ❑ Records, such as financial transactions, will be visible to the public and yet cannot be altered.
- ❑ It is an application which can also be employed for financial disclosure by public officials or in connection with bids by suppliers of goods and services, processes which are so often rife with opportunities for bribery and bid rigging.
- ❑ For all its uncertainties and risks in tackling corruption these 21st century technologies such as blockchain and big data offer new weapons against this devastating practices.
- ❑ So we need to start thinking about the applications of these technologies.



The Commonwealth

Comments & Questions

- Comments

&

- Questions

?

Thanks for your attention

16/09/2020

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8 September 2020

 The Commonwealth

Day 3

Asset Declaration and Effectiveness for Fighting Corruption: International Perspective – Dr George Larbi

Virtual Conference for Anti- Corruption Agencies in Commonwealth Africa

ASSETS AND INTEREST
DECLARATION (AID) –
PRINCIPLES AND PRACTICES
FOR EFFECTIVENESS

Dr George Larbi

Structure of Presentation

- ▶ Context: Why declaration?
- ▶ Review of international practices
 - ▶ Disclosure: who, what, when, where?
- ▶ Good practices and lessons

Context

- ▶ public office holders are elected, appointed or employed to serve public interests
- ▶ Public office as public trust
- ▶ BUT sometimes self-interest and actions of officials threaten public interest

Why Declaration?

- ▶ Building trust; critical for good governance
- ▶ Avoidance of conflict of interests and abuse
- ▶ Corruption Prevention – early warning system
- ▶ To encourage honesty, impartiality and improve integrity in public service
- ▶ Enables transparency and accountability
- ▶ Separate vehicle for prosecution

AID as a multipurpose tool combining prevention and enforcement purposes

Examples of conflict

- ▶ An MP approaches a minister on behalf of a company in which the legislator is a shareholder
- ▶ A minister accepts an offer of future employment from a company which is currently seeking a government trading licence or contract
- ▶ A public official must decide from a number of options on the route of a new highway - one options will reduce the value of his family's farm
- ▶ Think of real examples from your own country

General Framework for Designing AID

- ▶ Who should file?
- ▶ When and how to file - frequency?
- ▶ What to declare?
- ▶ How to verify and sanction for non-compliance?
- ▶ What information should be public?

Who must declare?

C'try	Politicians			Other public office holders and appointees				Family
	national	reg.& local	ministers	Str. Pub. servants	Other p.servs.	Judges	Str.army & police	
UK	+	+	+	+	-	-	?	+
USA	+	+	+	+	+	-	+	+
CAN	+	+	+	+	+	-	+	+
POL	+	+	+	+	+	-	-	+
UGD	+	-	+	+	+	-	-	+
GHA	+	+	+	+	+	+	-	-
TAN	+	+	+	+	+	+	+	+

What must be declared?

C'try	What must be declared?						
	Land/ Property	Vehicles etc.	Income	Shares/ Business & beneficial-ownership& trusts	Liabilities	Outside Employ't.	Gifts & Hospitality
UK	+	-	+	+	+	+	+
USA	+	-	+	+	+	+	+
CAN	+	-	+	+	+	+	+
POL	+	-	+	+	?	+	+
UGD	+	+	+	+	+	-	+
GHA	+	+	+	+	+	-	+
TAN	+	+	+	+	+	-	+

Good practices & lessons

- ▶ AID as part of integrated measures to manage Col and corruption prevention.
- ▶ Clarity of purposes/goals of declaration and what outcomes are expected - not just a formality
- ▶ AID transparency has significant spill over effect – about 55% of countries require the declared info to be public
- ▶ Effective control of submissions and verification of declarations are critical for success
- ▶ AID moving from paper based to digitized and online – as part of broader digital governance and economic reforms
- ▶ Efficacy of verification is closely linked to sanctioning regime – effective, proportionate and dissuasive
- ▶ Independence of monitoring/verification authority
- ▶ Clarity on access to register vs. privacy

Seychelles

May De Silva – Accs Seychelles 9th September 2020

Good morning conference and good afternoon for those on this side of Africa.

Firstly, I would like to thank Doctor Roger who has been the inspiration behind this network of Commonwealth Africa Anti-Corruption Heads. Also, a huge thank you to all the faceless but not voiceless technicians who are connecting us across Commonwealth Africa through this virtual platform.

I would like to make a statement on behalf of all Heads of Anti-Corruption Agencies. Our job is not easy and there are a few unwritten essential criteria which should be added to our Job Description bearing in mind we are at the forefront of fighting local and global economic crime.

This set of unwritten criteria is as follows:

1. A very thick skin
2. However, this skin should be like a duck's back
3. Have eyes behind our heads
4. I've added another one and that is to 'Be prepared to be the sacrificial lamb' (which I added after listening to Professor Franceschi on Monday)

This is a serious matter and all of us in Commonwealth Africa will understand where I am coming from. We are the innocent party in this. We are not the criminals and should not be criminalized because we are doing our jobs. We need to unite as a group to fight corruption and support our colleagues in this sometimes-lonely job.

As a new agency launched only three years ago, we are not able to report on seized and recovered assets. This will follow once we have submitted our first cases to the Attorney General hopefully before the end of this month. To date we have received a total of 196 complaints and closed 66 cases due to several factors. Two of the main reasons being insufficient evidence and not within our mandate.

ACCS Complaints Unit has 2 investigators and one assistant whilst the Investigations Unit now has 6 investigators, 4 analysts and 2 assistant investigators. As result of the pandemic budget cuts we have had 6 posts frozen and this includes a specialist investigator (financial forensics) and a Principal Counsel.

Country Update from Conference in Uganda last year:

Seychelles is now ranked Number 1 in Africa in TI's Corruption Perception Index.

Our Laws amended to provide some clarity and policing powers.

Seychelles has enacted a new AML/CFT and Beneficial Ownership Acts 2020 and they have come into force since the 28th August.

We have sent our Training officers in CAAAC, in Botswana and due to financial constraints, we were unable to send more staff.

Commonwealth support through training to ACCS Board and staff by Dr Roger.

Innovative Projects

As a new agency we have been firefighting with limitations. We do not have the luxury to be innovative. This year the Seychelles will be up for an UNCAC review on Asset Recovery and our Prevention work. One area of work that we are exploring

to outsource is Asset Recovery. We will be entering into an agreement with an international Agency called Asset Reality which is based in the UK. This arrangement will ensure that the Seychelles will not pay anything towards Asset Recovery. Asset Reality will recover their costs of seizure and management of the seized assets through disposal of any assets seized once the court has made their ruling. Asset confiscation will be part of the prosecution process. Why Asset Reality – please note I am not getting any commission for this but explaining the rationale for outsourcing Asset Recovery and Management, We are a small jurisdiction with limited resources. Our officers and Police can focus on the work at hand and Asset Reality can manage this process on our behalf. They are the experts in global asset recovery. This model is used by the UK, Malta, Netherlands and Ireland to name a few jurisdictions. The role of Asset Reality is to carry out an assessment in country to see who is best placed to value, manage and auction seized property, vehicles, Jewelry and any assets to be seized. They can auction items globally rather than restrict it to Seychelles given that we are a small jurisdiction and will have a smaller pool of potential buyers when seized items are auctioned off. This also eliminates any problems with potential conflicts when selling the item. Under the new AML/CFT Act 2020, Seychelles will set up an Asset Recovery Fund which will help victims of crime and fund local community projects.

EU Funding

We have had to rely on our international partners by working with them and seeking secondment of their officers. We successfully convinced the Seychelles government to prioritise the agency for technical aid from the EU. This technical aid was valued at Euro 300k. The funds are not paid to ACCS but to an EU consultancy agency who manage the project. To this end we had three EU senior investigators working with the Investigations Team since August 2019 with the prospect of another one-year extension to the project. In addition, we were given two experts who reviewed our IT security and physical security of ACCS staff and our offices.

Secondment Opportunities

We continue to receive invaluable support from ICAC Mauritius who have been a solid partner to ACCS. Our staff have availed of training opportunities at ICAC as well as joint training for ACCS and ICAC Investigations Officers including Mauritian and Seychelles Police force officers. This joint training was delivered by the Australian Federal Police and IACCC in London.

Finally, I am thankful to have been given this opportunity to present at this conference today. I thank you.

Tanzania

The Aspect of Asset Tracing and Recovery

The PCCA addresses the issue of confiscation of the proceeds of corruption upon conviction; Asset recovery to succeed in any country there must be a strong legal and institutional framework to support the asset recovery initiatives and the commitment of the law enforcement agencies.

At the national level, we have tried to build strong institutions with a strong legal framework in terms of asset recovery; we have a number of laws governing the asset recovery regime in Tanzania namely the Proceeds of Crime Act 1999, The Prevention and Combating of Corruption Act No. 11 of 2007, The Wildlife Conservation Act of 2009, The Drugs and Prevention of illicit trafficking in Drugs Act Cap 95 (R.E 2002), The Mutual Legal Assistance in Criminal Matters Act, Money laundering Act, just to mention few.

PCCB'S Efforts

In compliance with Chapter V of the United Nations Against Corruption (UNCAC) , PCCB has established the Asset Tracing and Recovery Unit (ATRU) in 2014 mainly to take charge of tracing and recovery of proceeds derived from corruption and other serious offences both domestic and internationally. The establishment was also aimed at identifying and trace illegally acquired assets/properties and Recovery of the proceeds of corruption. Under the Prevention and Combating of Corruption Act, PCCB in cooperation with the stake holders (AG, DPP, Police and the Judiciary) has the mandate to Freeze/Seize/Restrain/Preserve assets before conviction.

The unit facilitates restraint and post-conviction asset recovery efforts in cooperation with the DPP's office, supports asset tracing investigations in high profile cases, and monitors and manages restrained assets.

ATRU facilitates the issuance of Prohibitory Notices through the Director of Public Prosecutions to prevent the transfer/dispose of proceeds of corruption.

In 2015, the PCCB commenced a long-term project with the International Centre for Asset Recovery, a division of the Basel Institute on Governance, and since 2016, one major objective of this partnership has been to advance the Asset Tracing and Recovery Unit's efforts in investigating unexplained wealth offences.

Achievement

Since the establishment of the ATRU, PCCB has managed to achieve the following;

- Increase number of cases/investigations on money laundering and illicit enrichment. More than 10 cases pending in Court, four cases have been decided and accused persons were convicted and dozens of investigations are underway.
- In **2017/2018** the PCCB managed to recover properties derived from proceeds of corruption, total value of the tainted properties worth TZS. 486 Million. which includes: 4 Motor vehicles, 8 houses, and one landed property.
- Secured one frozen order through an Expiates Criminal Application No.13/2017, total value of the tainted properties worth TZS.3 Billion, the main case is still pending in Court.

- A number of seized and prohibition notices to prevent the transfer of proceeds of corruption have been secured, value of TZS 8.1Billion and USD 43,009,298(cash in Bank), Houses and plots valued TZS. 6.3 Billion.
- In the year **2018/2019** the PCCB managed to recover Assets/ properties from proceeds of corruption, valued TZS. 10 Billion which includes one storey building, 1 filling station and workshop.
- A number of seized and prohibition notices to prevent the transfer of proceeds of corruption have been secured, value of TZS. 7 Billion and USD 9Million (Cash in Bank), plots and houses Valued TZS 3.1 Billion + USD 636,410. Million.
- In **2019/2020** we have managed to recover the properties with total amount of TZS 138.1Billion which includes houses and plots.
- And also secured the prohibitory Notice valued TZS 165 Billion which includes houses and plots, cash in bank TZS 71Million and USD 18,570.
- PCCB also has managed to recover assets through interventions and returned to the victims and Government. Since 2015 to date we have successful returned the total amount of TZS 198.9 Billions.

Challenges on Asset Recovery

- No formal regulations to provide for management of properties
- Lack of adequate domestic resources
- Complex and lengthy procedures
- Lack of adequately fund on Asset Management
- No designated 'Asset Management Centre'
- Conviction base Forfeiture

Asset Recovery Experiences from the Frontline – Amaechi Nsofor



The annual Heads of Anti-Corruption Agencies in Africa conference

Asset recovery experiences from the frontline



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Our awards



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Agenda

- Unexplained wealth orders
- Insolvency as a tool for fighting corruption
- Case study from the frontline
- Asset recovery challenges and opportunities
- Questions

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Unexplained wealth orders



1 Background

How has it developed:

- Enshrined in law: January 2018
- Applies to PEPS or individuals connected to organised crime
- Compels targets to reveal sources of unexplained wealth
- Attaches to property (as opposed to individuals/corporates)

Implications of non compliance:

- Presumption made that property acquired from proceeds of crime
- Asset freezing and forfeiture order imposed
- Can be appealed...

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Unexplained wealth orders



2 The future

Current status:

- Seldom used – fewer than a handful of cases
- NCA v Baker

Implications:

- Risk for prosecuting authorities
- Complex holding structures
- When does concept of preponderance kick in?
- Commercial/tactical benefit?

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Insolvency as a tool to fight corruption



Formal process to enforce claims/judgments

Usually court appointments and always court sanctioned

- Focus on asset recovery for benefit of creditors
- Do not cede control to foreign regulators

Powers

- Investigative powers - can target facilitators, directors, shareholders etc
 - Disclosure requests
 - Pierce the corporate veil
- Avoid dissipation of assets – in personam vs in rem action
- Cross border/global recovery capabilities
- Regulated industry – so control over costs and timings

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Case study

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Project Paris:

West African country appointment

- Estimate \$5 billion misappropriated
- Our focus on investigations, evidence gathering and foreign asset recovery

Dynamics

- Political buy-in
- Local enforcement agency cooperation and coordination
- Civil as well as criminal proceedings
- Working with National Crimes Agency
- Commercial approach to fees

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Opportunities and challenges

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Opportunities and challenges:

- Political will
- Cooperation across local law enforcement agencies
- Civil proceedings supporting criminal
- Insolvency framework
- Stable governments
- Funding and fees
- Private and public involvement

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Rwanda

REPUBLIC OF RWANDA



OFFICE OF THE OMBUDSMAN



RWANDA|COUNTRY PAPER:
THE OFFICE OF THE OMBUDSMAN OF RWANDA

VIRTUAL COMMONWEALTH REGIONAL CONFERENCE FOR ANTI-CORRUPTION AGENCIES IN AFRICA

"Assessing Anti-Corruption and Assets Recovery Efforts in Africa"

7-9 September 2020

Anastase Murekezi, Ombudsman of Rwanda

1. Brief Introduction and Background	308
2. Innovative Work or Initiative Implemented:	308
Baseline study on the status of corruption in Rwanda	308
2.1. Description of the baseline Study on the status of corruption in Rwanda	308
2.2. Results of the innovation	310
2.3. Reflections and lessons learnt	314
3. CONCLUSION	314

1. Brief Introduction and background

- The Government of Rwanda has undertaken a number of Anti-corruption measures coupled with immense political will, zero tolerance to corruption and public support.
- Different laws were adopted and different institutions established. The Office of The Ombudsman was established as a leading institution in the fight against corruption by the Constitution of the Republic of Rwanda of 2003 revised in 2015;
- The Office of The Ombudsman 'missions are provided in article 4 of the law no 76/2013 of 11/09/2013 determining the mission, powers, organization and functioning of The Office of The Ombudsman and its guiding principles in article 5.
- The Office of The Ombudsman is a hybrid Institution which deals at the same time with addressing injustice complaints; preventing and combating corruption; monitoring good governance and promoting integrity and transparency.

- To meet the ambitious goals set by the Government, and deal with the challenges and opportunities, major changes are shaping the Rwandan society in terms of fighting against corruption.
- As Anti-corruption Agency in Rwanda, The Office of The Ombudsman carries a robust mandate of preventing and fighting corruption in all sectors of activities. It has a wide and defined mandate to arrest, investigate, prosecute, recover assets, and request reviews of court judgments. In this line, The Office of The Ombudsman has set a vision of making Rwanda a country free from corruption and injustice.
- The Office of The Ombudsman has recovered 300 Millions Rwandan Francs from 2016 to 2020.

2. Innovative Work or Initiative Implemented: Baseline Study on The Status of Corruption In Rwanda

2.1. Description of the baseline study on the status of corruption in Rwanda

The baseline Study on the Status of Corruption in Rwanda conducted by The Office of The Ombudsman of Rwanda in partnership with Transparency International Rwanda as a consultant is the first of its kind to be undertaken in Rwanda and its principal objective is to provide a bigger picture of corruption in Rwanda for well-informed policy and decisions making processes.

This comprehensive research has examined:

- the level of citizens' awareness of corruption in Rwanda;
- the attitudes and acceptability of corruption practices in Rwanda;
- prevalence of corruption in different sectors (citizens, CSOs, Public and Private sectors);
- the extent and forms of corruption;
- the most affected areas and the most predisposed groups to corruption;
- the major causes of corruption and its risks in public and private sector.

It also highlights strategies to mitigate those risks.

The 5 parts following were focused:

- Awareness of corruption (awareness of causes to indulge in corruption acts, awareness of consequences of corruption, awareness about institutions involved in fighting corruption in Rwanda, sources of information on corruption in Rwanda);
- Perception of corruption in Rwanda (attitudes vis-à-vis corruption, perception of the frequency of selected acts of corruption in Rwanda, perceived level of corruption in selected forms, petty versus grand corruption in Rwanda, institutional clusters perceived most affected by corruption in Rwanda, activity sectors perceived most affected by corruption, groups perceived as most predisposed to corruption and perceived causes of corruption in Rwanda);
- Prevalence of corruption (monetary value of bribe paid, channels used to pay corruption, reporting corruption practices, reasons for not reporting corruption cases, reasons for not paying corruption and service seekers' fate after failing to pay corruption);

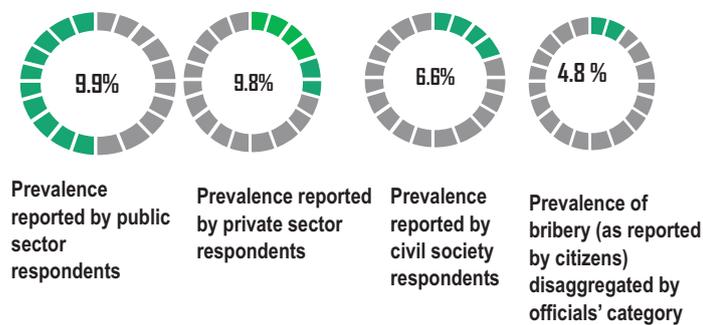
- Corruption risks in Rwanda at National level;
- Strategies to deals with corruption.

This baseline study has revealed that service delivery is often an easier entry point of corruption.

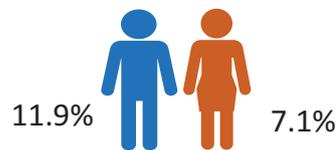
It also revealed that both petty and grand corruption exist in Rwanda, the latter mainly associated with embezzlement, illicit enrichment and money laundering among others. Interestingly, the study reveals high levels of perceived effectiveness of anticorruption bodies and mechanisms in fighting corruption in Rwanda.

2.2. Results of the innovation

a. The prevalence of corruption in different sectors of activities is known



Aggregated average at national level: **8.8%**



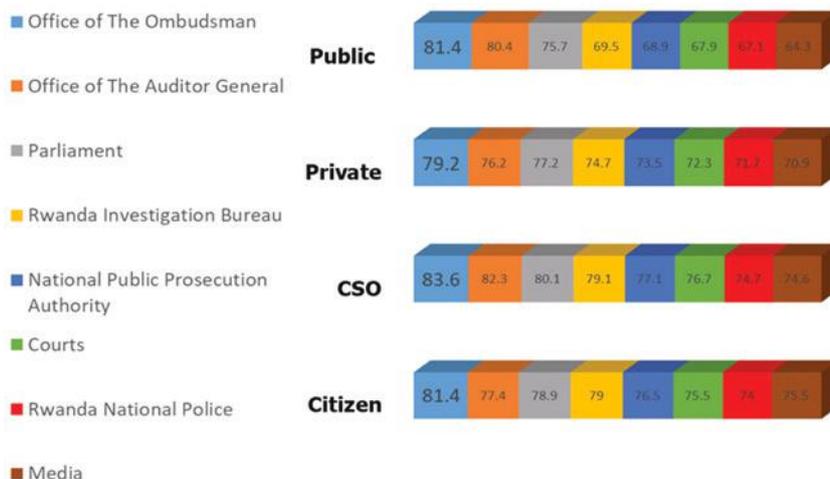
While the issue of whether women are less corrupt than men remains controversial in the extant body of literature, there is some empirical evidence from other contexts that supports this gender specific difference. A study conducted by Agerberg, Mattias (2014) in European countries “supports the notion that women are, on average, less corrupt than men” (p.31).

1. The most risk areas and most disposed groups to corruption are known;

b. The perception of corruption in Rwanda is known:

To what extent would you say corruption exists in Rwanda	Private Sector		Citizens		CSOs		Public Sector	
	Freq.	%	Freq.	%	Freq.	%	Freq.	%
Very High 81% - 100%	25	5.5	126	5.1	13	3.7	9	2.1
High 61% - 80%	70	15.3	449	18.2	51	14.6	36	8.5
Moderate 41% - 60%	186	40.7	860	34.8	119	34	138	32.5
Low 21% - 40%	114	24.9	667	27	105	30	174	40.9
Very low 00% - 20%	24	5.3	270	10.9	36	10.3	43	10.1
SCORE	58%		56%		50%		54%	

c. **The level of perceived effectiveness of anti-corruption bodies is known:**



- **The OoO performs various sensitization campaigns to engage Rwandans in the fight against corruption;**
 - **99.9 % of persons supposed to declare their assets did so;**
 - **Watching over unethical behavior of public officials (94.6% of such cases were performed successfully)**
 - **2019 RGB Citizens Report Card, (pge.111)** shows that the OoO comes among three most effective institutions in the fight against corruption
 - **2019 RBI shows that 81.9%** of respondents consider efforts of the Government of Rwanda to curb corruption as effective,
 - Over 70% of respondents **in this study** show that corruption is decreasing,
 - increase of about 10% in the number of cases **investigated between 2018 and 2019 by RIB,**
 - e-services such as e-procurement, IFMS, Irembo Played a great role in this end
- d. **Strategies recommended by the baseline study on the status of corruption in Rwanda**

- Institutionalize the culture of “Open contracts” and “Open Budgeting”

E.g. Establish Integrity Pacts to monitor corruption in all public construction related projects. A multi-stakeholder group comprised of Civil Society Organizations (CSO), public and private sectors is crucial in monitoring corruption in the procurement process and the implementation of these projects. This initiative should concern both Local Government and Central Government projects;

- Promote E-governance as a tool for improving transparency in public service delivery and reducing corruption. This is crucial to make government processes and information available to service users in digital forms. “E-governance is increasingly promoted as a tool for improving transparency in public service delivery and reducing corruption. E-governance refers to mechanisms that aim to make government processes and information about processes available to service users in electronic or digital form, using information and communication technology (ICT);

- Strengthen existing corruption reporting tools and increasing the trust of citizens to use them, this also includes to ensure more safety of whistle-blowers by granting them confidentiality and physical protection if need be;
- Strengthen active collaboration between institutions mandated to fight corruption in crime reporting and analysis in order to coordinate their actions and efforts to fight corruption;
- Integration of the online declaration of assets system (ODAS) with other online systems (identification, land, companies, public civil service management, taxes etc) and institutionalize systematic asset declaration;
- **Discourage the corrupt individuals by seizing their properties.**

2.3. Reflections and lessons learnt

- Corruption exists in different sectors of activities, but at different levels;
- People are aware of corruption and its bad effects but not fully engaged in the fight against corruption (only 15% of citizens are committed to report corruption);
- Strategies to combat corruption should be based on the challenges, prevalence and its impacts highlighted by the research;
- For a successful fight, strategic actions should be adopted at institutional level and by sector of activities;
- The contribution of effective Anti-Corruption Bodies in the battle against corruption is valuable.

3. Conclusion

- The study shows that Rwanda is strongly committed to fight corruption as indicated by effectiveness of anti-corruption institutions;
- The level of prevalence of corruption is still low (below 10%) while the perceived level of corruption is moderate (around 50%);
- Reporting corruption should be a culture that should be encouraged and cultivated at any cost (one of the identified challenges is corruption reporting).

Mozambique



REPUBLIC OF MOZAMBIQUE
PUBLIC PROSECUTION MINISTRY
ANTI-CORRUPTION BUREAU

**Mozambique's Presentation to the Regional Virtual Conference of
Commonwealth Africa Anti-Corruption Agencies
(07 to 09 September, 2020)**

Theme: **Training of trainers as a mechanism to action with a view to multiplying knowledge sharing in terms of prevention and fighting against corruption**

1. Background

In response to the invitation from the Commonwealth Secretariat to participate in the Regional Virtual Conference of Commonwealth Africa's Anti-Corruption Agencies, to be held from today to 09 September 2020, we address your Excellences to share information on innovative anti-corruption activities implemented in Mozambique.

The fight against corruption is one of the strategic priorities of the Mozambican State and society in order to build a culture of transparency, integrity and good governance. That is the process how the Anti-Corruption Bureau (ACB) was created as a subordinate body of the Public Prosecution Ministry, specialized in preventing and fighting against crimes of corruption, embezzlement and concussion.

This is nationwide and has, among others, the power to coordinate actions for the prevention and repression of crimes of corruption, embezzlement and concussion (paragraph b, article 80, Law No. 4/2017, of August 1st).

The preventive actions carried out by the ACB and the Public Prosecutor's Offices includes civic education, which essentially comes to be lectures at public and private institutions, production of sensitization materials and training actions for public servants and the different segments of the society.

These actions have been carried out by Public Prosecutors, who are also responsible for processing criminal proceedings initiated in order to investigate and prosecute cases of corruption.

During the recent years there has been an increasing number of requests for Prosecutors to address issues related to preventing and fighting against corruption, in public and private institutions at different levels, to which it is not always possible to respond positively, once the number of requests is very high.

As reaction the ACB adopted, through its Prevention Department, the practice of training trainers from public and private institutions, so that it comes to be an mechanism to act and materialize its competences.

2. The training of trainers

The training of trainers aims to involve public and private institutions in the process of fighting against corruption and to qualify institutions from the public sector, private sector and civil society, with qualified human resources capable of promoting corruption prevention actions.

It also intends to give to the trainers the responsibility of training their peers in their workplaces, to plan and promote the implementation of actions to prevent and fight against corruption in their workplaces, to respond to the needs of lectures internally in their workplaces, as well as acting as focal points for their institutions in the relations with the ACB.

To participate in the training actions, the target institutions indicate 02 (two) or more employees¹, preferably assigned to the inspection, legal and human resources sectors for public institutions and compliance for private institutions. The activities take place at central, provincial and very local levels.

Trainees are selected by the respective institutions leaders, based on the criteria of suitability and integrity of candidates.

Depending on the subjects dealt with it may result in the involvement of a staff from other institutions as facilitators, such as the Public Ethics Central Commission and the financial sector.

Generally, the themes adopted for sharing of knowledge with trainees cover the following issues: legal-labor relations with the State, duties and obligations of public servants, consequences of the violation of duties of public servants, ACB competences, legal types of corruption crimes, causes and consequences of corruption practices, forms of complaint, conflict of interest system (Public Probity Law), Public Administration's system of declaration of assets (Public Probity Law), Public Administration Strategy for Reform and Development - ERDAP (sectoral plans for preventing and fighting against corruption), public procurement as a means to practice acts of corruption, disciplinary responsibility resulting from the practice of corruption acts (Article 78 of the General Status of Public Servants - warning, public reprimand, fine demotion, dismissal and expulsion), criminal responsibility (imprisonment, fine, compensation and expulsion) and the role of civil society / private sector in the prevention and fight against corruption.

In this context 328 trainers were trained during the year 2019, number that can be added to the 448 of the previous years, reaching a total of 776 trainers.

2.1. Main challenges faced in the context of training of trainers

The practice of training trainers has been carried out taking into account some challenges, to highlight:

- a. Effective implementation of the role of trainers after the training action;

1 Public servants (of the Presidency of the Republic, ministries, public institutes and States business sector), members of the schools anti-corruption nuclei (students, employees, guardians, school councils members and those from communities surrounding the schools) schools) and private sector and civil society members.

- b. Constant updating of trainers' knowledge and replacement of the transferred trainers according to the exchange of staff members; and
- c. Domain of anti-corruption legislation by the trainers.

2.2. Results of training of trainers

The training of trainers has been generating the following results:

- a. Greater internal capacity to disseminate anti-corruption messages, identify situations of risk and act proactively, with a view to preventing the consummation of crimes of corruption in the institutions from which the trainers come;
- b. Greater involvement of Public Administration institutions in the process of fighting corruption in the country;
- c. The members of civil society, once beneficiaries of the training actions, have been disseminating messages to prevent and fight against corruption in communities and schools;
- d. Improvement of initiatives by civil society organizations in terms of preventing corruption, based on the knowledge acquired in training activities;
- e. Accelerated multiplication of public and private servants with knowledge and aware of the need to abstain the corruption practices; and
- f. Involvement of public and private institutions in the dissemination of anti-corruption messages, as well as the implementation of actions to prevent and fight against corruption.

2.3. Learned lessons

The process of training trainers by the ACB has resulted in the apprehension of some lessons, especially:

- a. Public and private servant trainees arouse greater interest in matters of prevention and fight against corruption during the training sessions;
- b. After training the heads and other responsible of public institutions continue to request services from ACB, which raises the need to sensitize those institutions to deal with their employees trained as trainers, as well as placing more trust in them;
- c. Exchange of experiences as a result of direct interaction with trainees from key sectors regarding the detection of corruption practices; and
- d. Discovering of facts previously not identified as corruption by the trainees and their institutions.

3. Final remarks

The ACB's action strategy focuses on a preventive component, in relation to which we consider that the result has been positive, since the civic education actions carried out contribute to reinforce integrity of citizens in general and the public servants in particular.

The aforementioned actions contributed greatly to the increase in the awareness of public and private servants, regarding the evil that corruption is and, as a consequence, there is an increase in the number of complaints filed by public servants and citizens.

They also contributed to provide the private sector with human resources capable and able to promote corruption prevention activities within their respective organizations, disseminate anti-corruption messages, identify risk situations and their occurrence and prevent acts of corruption effectiveness.

For the foreseeable future we expect to continue to raise awareness among employees about the harmful effects of corruption by training more trainers and consequently increasing the number of cases of corruption prosecuted in Mozambique.

Recommendations for improvement

- a. Trainers' institutions of origin must monitor their performance and report to the ACB about the results;
- b. Trainers should encourage budgeting and implementation of actions to prevent corruption in their institutions;
- c. To raise the awareness of institutional leaders to allow and value the initiatives of trainers in their institutions;
- d. To master the legislation by the trainers; and
- e. Update/recycle the trainers regarding the knowledge obtained.

Dear members,

On behalf of Mozambique's ACB Direction we address our sincere thanks.

We hope that this simple intervention will contribute to a more effective fight against corruption in our continent and we are open for more enlightenments.

Maputo, September 2020

South Africa



COMMONWEALTH ANTI-CORRUPTION AGENCY SIU POSITIVE WORK



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The SIU's Role and Mandate

The Special Investigating Unit (SIU)

- In terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) ("SIU Act"). The current Special Investigating Unit ("SIU") was established by Proclamation No. R118 of 2001.
- The SIU is a Public Entity that conducts investigations that have been mandated by a proclamation from the president, once the investigation is complete the President receives a final report with the findings.

Vision

"The State's preferred and trusted forensic investigation and litigation agency."

Mission

"We are the State's preferred provider of forensic investigating and litigating services working together with other agencies in the fight to eradicate corruption, malpractice and maladministration from society."



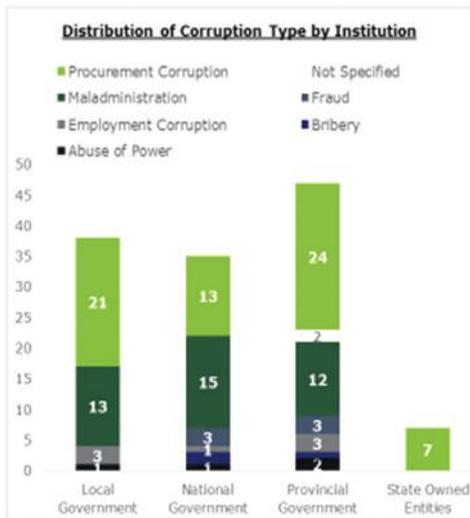
VALUE OF THE ASSETS SEIZED OR MONEY STOPPED FROM BEING LAUNDERED

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Case Profiles from 2001 – 1017/18

Certain types of corruption are more prevalent in particular institutions of government



Financial Implications of SIU Cases 2001/2002-2017/18



Key Insights

- The SIU determined the financial impact it has made since its existence. This impact was calculated as the savings/recoveries as a result of investigations and were classified per sphere of government. The pie graph represents these savings/recoveries at the relevant government sphere where it is located.
- Procurement corruption is prevalent across all institutions of governments
- Corruption within the national department yields the highest financial implications

Source: SIU "list of all prosecutions from 2001 – 2017". Notes: *Average over period

PERFORMANCE INFORMATION FOR THE 2018/19/20 FINANCIAL YEAR

Estimate for National Expenditure Financial Report - 2019/2020 Financial Year

SIU Business Operations	ACTUAL PERFOR	ESTIMATED PERFORMANCE		
		FINANCIAL YEAR - 2019/2020		
Key Performance Indicator	2018/19	Actuals	Annual Target	Deviation
The percentage of allegations centrally registered for electronic tracking	97%	100%	100%	-
The percentage of centrally registered allegations that are assessed by the assessment committee	100%	100%	100%	-
The number of investigations closed under a published proclamation in accordance with predetermined standards	3,430	2,000	1,300	54%
The number of reports submitted to the Presidency	20	19	13	46%
The number of referrals made to the Relevant Prosecuting Authority	331	451	75	501%
The number of referrals made for disciplinary, executive and/or administrative action	335	638	100	538%
The value of potential losses prevented	R53.4m	400,000,000	30,000,000	1233%
The value of cash recoveries	R137m	345,593,726	140,000,000	147%
The value of contract(s) and/or administrative decision(s)/action(s) set aside or deemed invalid	R999m	4,330,000,000	800,000,000	441%
The value of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings (including arbitration or counter civil proceedings)	R7.9bn	2,052,006,224	1,500,000,000	37%

5

PERFORMANCE INFORMATION FOR THE 2017/18 FINANCIAL YEAR

SIU Business Operations	ACTUAL PERFORMANCE		
	2017/2018		
Core Mandate Combatting Corruption	YTD Actuals	Annual Target	Deviation
The number of investigations closed out under a published proclamation	1,556	1000	56%
The number of reports submitted to the Presidency	15	8	88%
The value of money and/or assets potentially recoverable	298,680,864	200,000,000	49%
The actual value of money and/or assets recovered	33,517,475	120,000,000	-72%
The value of potential loss prevented	406,698,804	21,000,000	1837%
The value of contract(s) and/or administrative decision(s) / action(s) set aside or deemed invalid	797,134,053	660,000,000	21%
The value of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings (including arbitration or counter civil proceedings)	2,677,088,547	1,300,000,000	106%
The number of referrals made to the relevant Prosecuting Authority	148	75	97%
The number of referrals made for disciplinary, executive and/or administrative action	319	75	325%



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Background

- The President has established the Special Tribunal Court, in terms of SIU & Special Tribunals Act 74 of 1996. The tribunal is set to recover R14.7bn

Mandate

- Adjudicate upon SIU civil matters
- Issue suspension orders
- Interlocutory orders & interdicts

Objectives

- Exclusively deal with SIU litigation
- Expedite SIU civil litigation matters
- Increase SIU civil litigation outcomes

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Examples of Cases Instituted and Finalized

#	PARTY	STATUS	AMOUNT
1	SIU vs R NPO and Others	Summons issued	R216 107.77
2	SIU vs S H and 3 others	Summons issued	R2 412 444.29
3	SIU vs T H and 2 Others	Summons issued	R124 250.23
4	SIU vs UB Ministries and 2 Others	Summons issued	R138 311.33
5	SIU vs S M and 2 Others	Summons issued	R2 832 628.20
6	SIU vs G M Centre and Another	Summons issued	R200 583.57
7	SIU vs L & Others	Summons issued	R4 000 000.00
8	SIU vs LK	Summons issued	R2 000 000.00
9	SIU vs T SOE	Summons issued	R18 000 000
10	SIU vs LSD Pty	Summons issued	R38 000 000
11	SIU vs PI	Summons issued	R450 000.00
Total			R68 374 325.39
Two Judgements obtained to date			
1.	NGO A and NGO B totaling to		R1 344 388.00

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**THE VALUE OF
COMMONWEALTH SECRETARIAT
WORK TO SIU**

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THE VALUE OF COMMONWEALTH SECRETARIAT WORK TO SIU

- The network of Heads of ACAs which was established through the Commonwealth Secretariat, enables collaboration and learning between various Anti-Corruption Agencies (ACAs).
- Commonwealth Secretariat successfully facilitated the exchange of ideas and good practice among Commonwealth Africa countries and continue to encourage the sharing of experience amongst ACAs in the areas where some have a comparative advantage.
- While offering training on a number of subjects for the ACAs, ranging from, Public Education and Corruption Prevention, Forensic and Financial Investigations, Risk and Governance amongst others, it also served as an outstanding platform for the exchange of ideas a between delegates from various ACAs attending training.

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THE VALUE OF COMMONWEALTH SECRETARIAT WORK TO SIU

- The sustained annual conference hosted by the Commonwealth Secretariat for Heads of ACAs enabled the follows:
 - For Heads of ACAs to share best fit solutions and approaches to tackle corruption.
 - For ACAs to enter into arrangements to host each other and share tangible investigations and good governance practice and experience.
- Through the Commonwealth Secretariat the SIU successfully collaborated with CAACC on various skills development projects which include but not limited to hosting, **Investigators and Intelligence Officers training on two occasions, Cyber Forensics and Financial Investigations, Asset Forfeiture and Asset Tracing** as well as **Intelligence Gathering and Analysis training**.
- The SIU also collaborated with CAACC and the African Development Bank to host 15 African countries ACAs on an Executive Leadership Programme offered by the Commonwealth Secretariat.

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Health Sector Anti-Corruption Forum (HSACF)

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Vulnerable Sector Management

Vulnerable Sectors to incidents of fraud and corruption



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Corruption Risk Assessments (CRA)

- Through the CRA, Health Sector was identified as one of the vulnerable sector to corruption that requires immediate attention due to the following reasons:



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Corruption Risk Assessments (CRA)

Health Sector Key Vulnerabilities

- 1) Doctor registration irregularities
- 2) Medical Aid Fraud
- 3) Fictitious claims related to doctor negligence in public hospitals
- 4) Regulator weaknesses in health sector compliance enforcement
- 5) Collusion in pharmaceutical industry / prize fixing
- 6) Non-compliance with medical waste disposal regulatory requirements
- 7) Irregularities in the procurement of public health sector goods and services
- 8) Remunerative Work Outside Public Service (RWOPS)

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Health Sector Anti-Corruption Forum

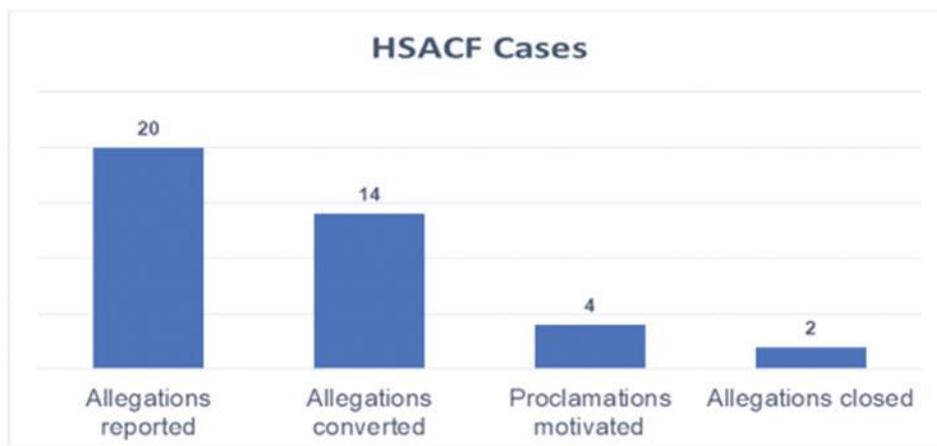
The HSACF was established in 2018 and officially launched by HE President Ramaphosa on 01 October 2019.



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HSACF Case Management





HSACF Objectives & Stakeholders

- Collaborate with various stakeholders to fight corruption in the Health Sector
- Identify areas of cooperation to enhance prevention, detection, investigation and prosecution of corruption in the Health Sector
- Adopt and sign Terms of Agreement that would promote mutual assistance, collaboration and sharing of information
- ❖ HSACF stakeholders have different mandates that compliment each other to ensure speedy resolution of health sector related corruption matters.

Health Sector Anti-Corruption Forum Stakeholders

1) Special Investigating Unit	9) National Department of Health
2) Council for Medical Schemes	10) Financial Intelligence Centre
3) Corruption Watch	11) Board of Healthcare Funders
4) Section 27	12) Health Funders Association
5) National Prosecuting Authority	13) Health Professional Council of SA
6) SAMED	14) Provincial Health Departments
7) NHLS	15) SAHPRA
8) NEHAWU	16) OUTA

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Kenya



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ETHICS AND ANTI-CORRUPTION COMMISSION

STATUS OF THE FIGHT AGAINST CORRUPTION IN KENYA

Wednesday, 9th September, 2020

9/16/2020

Tuangamize Ufisadi, Tujenge Kenya



The
Ethics and
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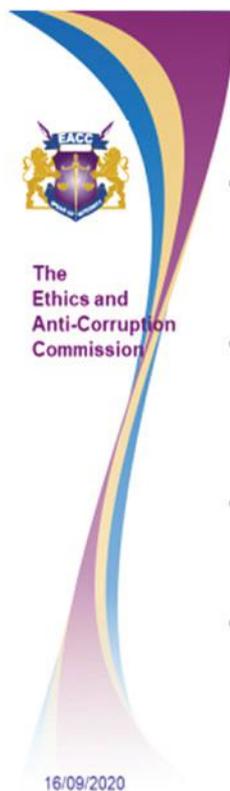
PRESENTATION: OUTLINE

- i. Introductions
- ii. EACC Strategies: Initiatives implemented
- iii. Reflections/Lesson Learnt
- iv. Challenges
- v. Recommendations
- vi. Conclusion
- vii. Q&As

16/09/2020

Tukomeshe Ufisadi, Tujenge Kenya

2



INTRODUCTION: EACC

- The EACC is a **Constitutional Commission** established pursuant to the requirements of **Article 79 of the Constitution of Kenya.**
- The mandate of the Commission; **is to combat corruption, economic crimes and promotion of ethical standards and practice in Kenya.**
- On average the EACC receives **3,500 complaints** on corruption and related offences, for its action.
- The current staff strength of EACC is approximately **750 employees** based at its **Headquarters in Nairobi** and **11 Regional Offices.**

Tukomeshe Ufisadi, Tuijenge Kenya

3



EACC MANDATE

Law Enforcement

- Investigation
- Asset tracing
- Asset recovery
- Disruption of corruption network(s)
- Undercover operations
- Ethics enforcement

Corruption Prevention

- Corruption Risk Assessment
- Systems Examination
- Advisory
- Promotion of Ethics and Leadership standards

Public Education & Awareness

- Trainings
- Sensitization
- Media outreach
- Integrity Clubs

Tukomeshe Ufisadi, Tuijenge Kenya

4



The Ethics and Anti-Corruption Commission

EACC STRATEGIES

- High Impact Investigations**
Criteria: **personalities involved, value involved** and **public interest**.
Aimed at causing maximum deterrence.
- Asset Tracing and Recovery**
Targets both **possession of unexplained wealth** and **corruptly acquired assets**.
Law permits use of **Alternative Dispute Resolution**.
- Prevention**
To proactively mitigate corruption through **promotion of institutional and personal integrity**.
- Partnership Approach**
To **enlist and maintain strategic linkages** in the fight against corruption.

16/09/2020 *Tuungamize Ufisiadi, Tujenge Kenya* 5



The Ethics and Anti-Corruption Commission

1. LAW ENFORCEMENT: High Impact Investigations

- In the last 5 years, **844** corruption and related cases, involving high ranking officials were investigated and concluded.
- **244 corruption cases** were finalized in court out of which **153** resulted into **conviction**.
- The Commission is also pursuing various cases with international dimensions involving approximately **USD 220 Million**.

16/09/2020 *Tuungamize Ufisiadi, Tujenge Kenya* 6



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Highlights of High-Impact Cases

No	Nature of allegation	USD
1.	Various corruption offences involving Seven (7) former/current Governors from the counties of: Tharakanithi, Nairobi, Kiambu, Samburu, Busia, Migori and Nyandarua	12M
2.	Inflation of cost in the construction of Lake Basin Development Authority Mall	41M
3.	Conflict of interest in award of contracts at the Kenya Ports Authority (KPA)	2.14M
4.	Irregular Purchase of Strategic Maize Reserve by Ministry of Agriculture	8M
5.	Smith & Ouzman Case ; payment of kickbacks by UK Companies to electoral officials	0.5M
6.	Anglo-leasing Cases ; irregular procurements in the modernization of the Security Equipment at the Kenya Police.	120M

16/09/2020 *Tuungamize Ujizadi, Tuijenge Kenya* 7

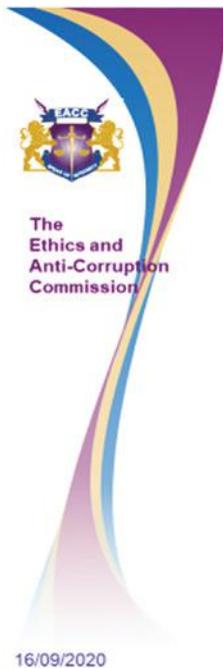


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Highlights of High Profile Personalities Convicted

No	Description
1.	Hon. Waluke , a Member of Parliament convicted for fraudulent acquisition of approximately USD 3 Million . The suspects in the case were convicted to 67 years imprisonment or a fine of USD 10 Million each
2.	Former Permanent Secretary Ministry of Local Government convicted for abuse of office in the Cemetery Land case
4.	Former Member of Parliament, Eldoret South convicted for willful failure to comply with procurement laws
5.	Senator convicted for abuse of office and issuing bad cheques
6.	Former Director, Kenya Reinsurance Corporation convicted for fraudulent acquisition of public property.

16/09/2020 *Tuungamize Ujizadi, Tuijenge Kenya* 8



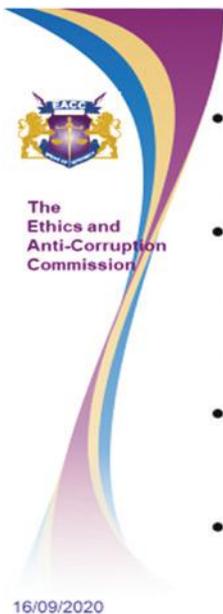
16/09/2020

2. ASSET RECOVERY STRATEGY

- In the last 5 years, EACC has recovered assets worth approximately **USD199 Million**.
- In addition, the EACC is pursuing forfeiture of approximately **USD 25.5 Million** from public officers found to own assets disproportionate to their known legitimate sources of income.
- Recently, the Commission has obtained favorable judgments from the Courts in cases relating to **unexplained wealth** which has bolstered its asset recovery initiatives.

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9



16/09/2020

3. CORRUPTION PREVENTION STRATEGY...

- **Proactive Investigation:** in the last 10 years, EACC has averted loss of public funds worth approximately **USD 960 Million**.
- **Systems Review of public bodies:** conducted CRAs in over **15** national government Ministries, Departments and Agencies (MDAs), **20** county governments, and issued over **400** advisories to MDAs.
- **Integrity verification for persons seeking appointments to public office;** processed **258,676 Self Declaration Forms**.
- Undertook integrity vetting of over **30,000** persons seeking appointment to public office.

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10



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3. CORRUPTION PREVENTION STRATEGY...

- **Review/approval of Codes of Leadership and Integrity;** Over **70 percent** of State Officers elected or appointed to public office have committed and signed the Codes.
- **Regulation of bank accounts;** approved **565 bank accounts** held outside Kenya by State and Public Officers.
- **National Integrity Academy;** established to spearhead training on ethics, integrity and anti-corruption.

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4. PARTNERSHIP STRATEGY

- **The Framework for the Return of Assets from Corruption and Crime in Kenya (FRACCK);** facilitated repatriation of approx. **USD 400,000** from UK, utilized to purchase **11 ambulances** to support the Health Sector.
- **East African Association of Anti-Corruption Authorities (EAAACA);** forum for exchange of information, experiences and best practice.
- **Peer to Peer Learning Alliance;** Kenya, Uganda, Namibia and Tanzania have engaged to share knowledge and experiences.
- **Multi-Agency Team (MAT);** is a collaborative framework of oversight, law enforcement and regulatory agencies to enhance synergy.

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REFLECTIONS/LESSONS LEARNT

- **Mutual Legal Assistance;** The need establish and maintain strong informal linkages to facilitate expeditious processing of MLA requests. For instance, this was realized by **Kenyan** and **South African Authorities** in the **Hon. Waluke case**.
- **Institutional Independence;** the anchorage of the EACC in the Constitution has enabled it effectively investigate politically exposed persons and matters of high public interest.
- **Developing Jurisprudence;** in the area of **unexplained wealth** as new and efficient frontier to extinguish the benefit obtained thro' corruption.

16/09/2020 *Tuungamize Ufisadi, Tujenge Kenya* 13



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CHALLENGES

- Slow Judicial Processes
- Adverse court judgments and rulings
- Politicization of corruption
- Inadequate resources
- Citizen apathy
- Inadequate and ineffective Legal Framework

16/09/2020 *Tuungamize Ufisadi, Tujenge Kenya* 14



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RECOMMENDATIONS

- **Strengthening inter-agency cooperation;** to facilitate sharing of information and building capacity of Anti-Corruption Agencies.
- **Strengthening anti-corruption Legal, Institutional & Policy Frameworks;** to provide an effective framework to prevent, combat and deter corruption.
- **Continuous Life Style Audits on Public Officials;** to provide an effective and transparent tool to audit the incomes, assets and liabilities of Public Officers.
- **Integration of processes in the Criminal Justice Sector;** to enhance efficiency in the investigation, prosecution and adjudication of corruption cases.

16/09/2020 *Tuungamize Ufisadi, Tuijenge Kenya* 15



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CONCLUSION

- The World Bank's Ease of Doing Business (EODB) Index indicates that Kenya has improved from position **130** to **56** in 2019.
- Transparency International's Corruption Perception Index, 2019 showed Kenya's improvement by **6 points** from position **144 in 2018 to 138 in 2019**.
- These significant strides have been achieved through collaboration with local, regional and international partners.

====

16/09/2020 *Tuungamize Ufisadi, Tuijenge Kenya* 16

Developing Organic Capabilities to Combat Corruption using Financial Investigations and Related Methodologies – Peter L. Platt and Ryan Dechan



Developing Organic Capabilities to Combat Corruption using Financial Investigations and Related Methodologies

Peter L. Platt, JD, ACAMS, CFI
Ryan Deehan, VP

September 9, 2020



- The Power of Financial Investigations
- Financial Investigations Methodologies
- Personnel, Training and Practical Experience
- Financial Investigations Technology & Advanced Analytics
- Laws, Legal Precedents and Asset Forfeiture Provisions
- Build a path to Organic Capabilities



Win High Impact Cases

“This extremely large, Complex investigation was only possible by using CFIS”

-El Dorado Money Laundering Task Force

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HSBC to pay \$1.9bn in US money laundering penalties

© 11 December 2012

HSBC has confirmed it is to pay US authorities \$1.9bn (£1.2bn) in a settlement over money laundering, the largest paid in such a case.

A US Senate investigation said the UK-based bank had been a conduit for “drug kingpins and rogue nations”.

Money laundering is the process of disguising the proceeds of crime so that the money cannot be linked to the wrongdoing.

HSBC has admitted its money laundering controls have been too lax



Minnesota Print Services Ponzi Scheme

- \$50 million investment fraud Ponzi Scheme.
 - Receiver brought in a forensic accounting group analyze the bank records of the subject.
 - The forensic accounting group reviewed the last 2 years of the 5 years of bank accounts and transactions over \$500.
 - **Over 9 months the receiver identified only \$2.5 million in assets for recovery out of the missing \$50 million.**
 - FAIR was brought in by an individual victim and proceeded to identify an additional \$20 million in assets in 3 weeks time.
 - FAIR produced these results through the analysis of **ALL of the Data.**
 - We uncovered multi-million dollar estates, farms, luxury apartments, etc. with transactions as insignificant as a \$19 county recording fee, \$39 utility payment, evidence of travel to locations where we were able to subsequently find assets purchase by the subject.
- ****Industry average on recoveries is 8-10% recovery of missing funds****



Indirect Proof of Income in Corruption Case

“We could not have won this case without CFIS”

-Financial Analyst,
US Attorney’s Office
Southern District NY



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Sheldon Silver Conviction Shakes Albany

Verdict for former New York Assembly speaker has legislators predicting an overhaul of state government

By [Erica Orten](#) and [Mike Vilemsky](#)
Updated Nov 30, 2015 9:37 pm ET

PRINT AA TEXT

Sheldon Silver’s conviction Monday in one of New York’s highest-profile public-corruption cases in decades could signal a shift in the business of Albany and spark further investigations of a capital with a long-standing reputation for questionable conduct.

The Democratic speaker of the state Assembly for more than 20 years, Mr. Silver was found guilty by a 12-person federal jury in Manhattan of four counts of honest-services fraud, two counts of extortion and one count of money laundering.



Produce Overwhelming Objective Evidence

US Attorney Eastern District New York

- Defendants refused plea agreement
- Financial Investigator analyzes hundreds of bank accounts with the help of FAIR & CFIS software
- When presented with overwhelming financial evidence Defendants accepted Guilt Plea



U.S. Department of Justice

Seth D. DuCharme
Acting United States Attorney
Eastern District of New York

100 Federal Plaza
Central Islip, New York 11722

FOR IMMEDIATE RELEASE

August 12, 2020

Contact:
John Marzulli
United States Attorney’s Office
(718) 254-6323

PRESS RELEASE

QUEENS MAN PLEADS GUILTY TO DEFRAUDING PHARMACEUTICAL MANUFACTURER

Defendant Submitted Approximately \$6.9 Million in Fraudulent Claims Under Co-Pay Reimbursement Program

Earlier today, at the federal courthouse in Central Islip, Arkady Khaimov pleaded guilty before United States Magistrate Judge A. Kathleen Tomlinson to conspiring to commit mail and wire fraud by defrauding a pharmaceutical manufacturer of approximately \$6.9 million by submitting fraudulent claims under the manufacturer’s Co-pay Coupon Program. As part of the plea, Khaimov agreed to forfeit approximately \$489,000 as proceeds involved in the fraudulent scheme. When sentenced, Khaimov faces up to 20 years in prison.





Financial Investigations Methodologies



Early Case Assessments

- 5 Agencies investigating the same criminal organization
- 5 different investigative theories
- F.A.I.R. analyzed the target's financial records using CFIS
- Evidence supported only 1 of the 5 investigative theories
- Prosecutor gave that agency lead status on the case resulting in conviction and substantial asset recovery
- 4 investigations terminated saving hundreds of thousands of dollars and lost investigative resources
- Speed of decision making process prevents dissipation of assets



Personnel, Training and Practical Experience

Difference Between Success and Failure

A Financial Analyst using CFIS technology and investigative support from FAIR produces success where other investigative unit failed



THE STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL



CONGRATULATIONS

From: Ronald Chillemi
Subject: Attorney General Awards

Congratulations to the thirteen members of the Office of the Insurance Fraud Prosecutor who have been selected to receive Attorney General Awards for accomplishments in 2013. The ceremony is this Monday, June 23 at 1:30 pm at the New Jersey Forensic & Technology Center in Hamilton. OIFP has been recognized in three different categories: Excellence in Investigation, Excellence in Operations, and Lifetime Service. Our 2013 recipients are as follows:

Excellence in Investigation

Deputy Insurance Fraud Prosecutor Mark Ondris, Lieutenant Joseph Waters, Sergeant Jon Powers, Deputy Attorney General Reid Caster, Detective Michael Behar, Investigative Analyst Marwa Kashef, Investigative Analyst Bethany Schussler, Detective Janet Amberg, Detective Heather Pittman, and Detective Amy Carson for their investigation in State v. Anhuar Bandy et al. **This team inherited a complex fraud investigation from others in early 2013 who had recommended all but declining the matter due to its complexity.** The ringleader of the fraud, who had been convicted by OIFP years before, had applied the lessons of his prior conviction in an effort to continue to commit crime while preventing law enforcement from developing evidence for certain statutory elements through an intricate scheme involving numerous holding companies, various ownership agreements between legal, medical and business professionals, and thousands of transactions. This team,



Financial Investigation Training Programs





Former Namibian ACC Chief of Investigations Nelius Becker and AIT CEO Susan Deehan awarding training certificates in Windhoek, Namibia

Pete Platt Presenting Financial Investigations Methodologies Training to Namibian ACC



Dr. Fesseha Marlam Presenting Advanced Data Analysis training to Namibian ACC





U.S. Government's First Prosecution of a Bank for Failing to Establish a Federally Mandated Anti-money Laundering Program.

The Washington Times

Bank pleads guilty to laundering drug profits

By - The Washington Times - Thursday, November 28, 2002

A New York bank pleaded guilty yesterday in a scheme involving the bulk shipment overseas of \$123 million in illicit Colombian drug profits in the government's first prosecution of a bank for failing to establish a federally mandated anti-money-laundering program.

Broadway National Bank was fined \$4 million after its guilty plea in U.S. District Court in Manhattan to a three-count criminal complaint that it did not file required "suspicious activity reports" involving the transfer of millions of dollars to South America and the Middle East and that it never began the mandated anti-laundering program.

The guilty plea follows an undercover investigation of the bank's transactions from 1996 to 1998 by "El Dorado," a financial crimes task force in New York led by the U.S. Customs Service and the Internal Revenue Service.

No bank officials were charged, but a grand jury continues to investigate the case. No evidence was uncovered to show that the money was tied to terrorism, authorities said.

Documents filed in federal court said Broadway National was known as "the bank of choice for narcotics money launderers and other individuals who wished to shield their financial activities from the government," and that one bank official even warned others not to invite a specific bank customer to a Christmas party because "for all we know, [he] is a drug dealer."

The criminal complaint said once the "enormous and highly suspicious" amounts of cash were brought to the bank including a duffel bag stuffed with \$600,000 it was promptly wired by Broadway National managers to "several well-known money laundering havens" in Colombia, Panama, Switzerland, Lebanon and Pakistan.

The complaint said the largest of the money launderers was Athed Dauber, who made cash deposits of \$46 million in nine Broadway accounts between January 1996 and March 1998. Identified in the complaint as laundering drug profits on behalf of a Colombia cocaine cartel, Dauber has since pleaded guilty to money-laundering charges.

According to the complaint, Dauber made 250 separate deposits, all of which involved small bills wrapped in rubber bands. After dropping off bags of cash at a teller's window, the complaint said, he would leave and then return for the emptied bags which he used for future deposits.

The government's sentencing memo said that at no time did Broadway National make an inquiry to determine whether there was any legitimate business reason for the massive amounts of cash that Dauber was generating.

"Dauber and other money launderers deposited so much cash into Broadway accounts that during this period Broadway appears never to have sought cash from the Federal Reserve Bank of New York for its daily operations, and instead delivered to the federal reserve millions of dollars in cash," the memo said.

U.S. Customs Commissioner Robert C. Bonner said the bank failed to make legally-required reports to federal authorities regarding \$123 million in suspicious cash deposits and assisted customers in another \$76 million in transactions designed to evade currency reporting requirements.



Build Path for Organic Financial Investigations Capability

- Maximize financial crime laws, precedents & asset forfeiture provisions
- Financial investigations methodologies produce overwhelming evidence
- Train personnel with knowledge of financial crimes laws, latest financial investigation methodologies, mentoring and practical experience
- Train and equip personnel with advanced financial investigations technology to enable advanced analysis of large, complex investigations
- Dismantle Syndicates - Take **all** assets and funds of criminal organizations

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