5th Commonwealth Regional conference for heads of Anti-corruption Agencies in Africa

25th -29th May 2015, Tanzania

The Commonwealth

PROCEEDINGS OF THE

(Draft) Report on the 5th Commonwealth Regional conference for heads of Anti -corruption Agencies in Africa

Daresalaam Tanzania

25th -29th May 2015

The Commonwealth

The 5th Commonwealth Regional conference for heads of Anti –corruption
Agencies in Africa held from 25th -29th May, 2015 at Bahari beach hotel,
Daresalaam Tanzania

Contents

Acronyms

ACA Anti-Corruption Agencies

CAACC Commonwealth African Anti-Corruption Centre

CONAC National Anti-Corruption Commission of Cameroon (English)

CSO Civil Society Organization

DCEC Directorate on Corruption and Economic Crime

EFCC Economic and Financial Crimes Commission

EOCO Economic and Organized Crime Organization

GIMPA Ghana Institute of Management and Public Administration

ICPC Independent Corrupt Practices and Other related Offences Commission

MDAs Ministries, Departments and Agencies

NACAP National Anti-Corruption Action Plan

NACSAP National Anti-Corruption Strategy and Action Plan

NVC National Values Curriculum

PCCB Prevention and Combating of Corruption Bureau

UNCAC United Nations Convention against Corruption

Introduction

This report is a record of the proceedings of the 5th Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa held from the 25th - 29th May, 2015 at Bahari beach Hotel, Daresalaam under the theme *"engaging the civil society as partners in the fight against corruption"*. The conference was convened by the Commonwealth Secretariat and the Prevention and Combating of Corruption Bureau, (PCCB) of Tanzania.
The objectives of the conference were as follows;

- Strengthen cooperation and collaboration among the Anti- corruption agencies in Commonwealth Africa.

- Create a platform for sharing emerging practices and country innovations in the fight against corruption for the promotion of good governance.

Attendance

The conference was attended by Delegates from; Botswana, Cameroon, Swaziland, Kenya, Lesotho, Mauritius, , Namibia, Nigeria, Sierra Leone, Seychelles, Tanzania, Uganda, Malawi, South Africa, Rwanda and Zambia

Conference proceedings

Day 1

Agenda Item 1

Opening ceremony

Participants at the conference started slowly coming in from at about 8:00 am. Upon arrival they were registered and ushered in to the conference hall. The conference was called to order at 9: 00 am .The moderator warmly welcomed participants to the 5th regional conference .He then opened the floor for entertainment from the police band and Angel Magoli

Arrival of the guest of honor Hon. Mohamed Gharib Bilal Vice President of the Republic of Tanzania

The Vice President arrived at or about 10:30 after which the official opening ceremony commenced.

Opening remarks by Dr Hosea Edward

He thanked participants for gathering at the 5th commonwealth conference. Mr Hosea went on to recognize the presence of the 45 heads of anticorruption agencies in Africa who he mentioned would later share their experiences. He

thanked the Vice President for gracing the opening of the conference and for his continued support to PCCB.

He mentioned that the conference would offer an opportunity to share ideas on how best to tackle corruption and inculcate values and common strategies against corruption. He reminded participants of the theme 'engaging civil society in the fight against corruption'

Dr Hosea stated that his expectation was that participants will gain the much needed technical knowledge to fight corruption. Finally he welcomed Dr Roger Koranteng the commonwealth governance advisor to give his remarks.

Opening remarks; by Dr Roger Koranteng.

Dr Koranteng noted that Africa did not lack the institution to fight corruption but lacked the political will .The nature of Africa's governance structures he noted frustrated the fight against corruption. He acknowledged Africa's immense potential; from the production of natural gas and other resources but was concerned that Africa still is considered poor. Mauritius and Botswana he mentioned were the only countries in Africa with a tolerable rate of corruption of less than 5%

He noted further that Corruption affects rule of law and development as a whole. He was of the view that there is a direct nexus between corruption, poverty and under development.

Dr Koranteng stated that Corruption was costing 30% of Africa's GDP. He quoted the President of the Republic of Rwanda H.E. Paul Kagame who stated that corruption was the main impediment to growth and therefore good politics was that, that fought corruption.

The Dr was cognizant of the fact that United Nations convention against corruption and many other laws had been enforced in an effort to tackle corruption but corruption still remained a challenge. Implementation he noted was the main problem of the ACAs lack political will. However he commended leaders in Common wealth countries stating that they were doing well in fighting corruption as compared to other leaders.

He assured delegates at the conference that the commonwealth secretariat had prioritized the fight against corruption. It therefore convened the conference to enable participants share knowledge and expertise in the fight against corruption. The association of the agencies and heads he mentioned provided a platform for the heads to engage with the each other and share ideas. He mentioned that through the conferences the heads have been able to learn and build capacity to better fight the corruption.

Finally Dr Koranteng emphasized that the Civil society must be involved in the fight against corruption as through them pressure can be put on governments to make good their commitments to fight corruption.

Ms Angel Magoli; music presentation on corruption

She presented a music piece with the message "say no to corruption"

Remarks by Hon. George Mkuchika- Minister of state- President's office- good governance

The ministers thanked Dr Hosea and the PCCB team for their effort in organizing the conference. He also thanked the Vice President for gracing the opening of the conference. The minister stated that the formation of the ministry of good governance was a show of the government's commitment to fighting corruption. He finally invited the Vice president to make his remarks and officially open the conference.

Remarks by H.E Mohamed Gharib Bilal - Vice president of the Republic of Tanzania

The Vice President stated that Engaging civil society was key as it helped put pressure on government to act. Civil society organisations he continued to note were a bridge between government and citizens. He also stated that Partnership with civil society would assist government achieve the set targets and that working with the civil society would encourage citizen participation.

The Vice President expressed belief that the citizens of Tanzania would vote for the new constitution as it would be a step in the right direction in ensuring good governance. He emphasized the need for the Justice ministry to fast track the formulation of the Right to Information Act and the Whistle Blowers Act – This will complement the fight against corruption

The Vice President acknowledged that there was progress in the fight against corruption; however there was need to collaborate more and have joint strategies. He noted that corruption was the enemy of justice. His plea was that **"We ought to do more in order to achieve more'** with that he declared the conference officially opened.

Vote of thanks by Ibrahim Lamorde executive chair EFCC Nigeria

Mr Ibrahim appreciated the presence of the Vice President emphasizing that presence of the top government officials was an indication of the government's commitment. He thanked PCCB for the conference and thanked Ms Angel Magoli for her song on corruption and requested that the song be recorded and distributed to all delegates.

Presentations

Presentation by Dr Julius Johnson -chairman integrity commission; Anti corruption efforts in the commonwealth Caribbean

He began by listing the states that are under the umbrella of the commonwealth Caribbean. He noted that the Caribbean region is comprised of small societies that make it difficult to implement anti corruption laws as the mentality of "**it's our time to eat**" is quite common.

Further he noted that almost all sectors depend on government and that the small societies are equally entirely dependent on government, this meant that the state is at the center hence the situation was breeding ground for corruption.

Dr Johnson also shared with delegates the Legislation establishment to fight graft in the Caribbean. He however proceeded to cite challenges. One of the challenges he noted was prosecuting high profile cases. He mentioned that court decisions against the commission also affect the commission's work as they are biding, for instance he shared that the court in the Dominican (Commonwealth) had held that the commission had committed the tort of misfeasance, that the commission acted in bad faith and that it was in breach of the principal of justice when the commission acted upon an anonymous complaint.

He continued to share that Courts in the Caribbean have rejected anonymous complaints and insisted that there has to be a complainant .Legislation in the Dominican does not seem to allow the commission to act on anonymous complaints. Another challenge he mentioned was that the Commissions are not able to recruit personnel who are entirely under their, direction and control.

Mr Johnson noted that Parliaments in commonwealth countries are dominated by the governing authority and may not effectively offer the much needed check on the executive.

He mentioned that in some cases the public officers accused of graft move to higher offices and use their powers to frustrate investigations against them.

 Finally he listed the following as what needed to be done;

- Parliament must exercise oversight on the legislation and not only on the commission. Parliament must be a stakeholder in the fight against corruption
- The court have a role in the anti corruption efforts.
- Need for a Whistle Blowers Act or law to protect and allow anonymous complaints. In Tanzania for instances it was noted that the commission takes anonymous , and mass media reports

Plenary

- A delegate expressed concern of how Anti corruption agencies are able to work without being able to act on anonymous complaints. Mr Johnson explained that the Dominican was in the process of legislating on anonymous complaints.

- Mr Johnson explained that commissions should also be prepared for situations where the commission is the defendant in a law suit as this cause great challenge bearing in mind the budget allocations for the anti corruption agencies.

Agenda Item 3; Botswana Country report

Initiatives

- Botswana has developed a Geographical strategy to target cases in a particular geographical using a task force. All cases in that particular area identified & investigated by skilled with diverse skills & background

- They also use sector specific investigations .Teams of investigators is set up with a particular objective. They are composed of investigators with same background and qualifications. The teams specialize in specific sectors i.e. Finance, Construction, Forensic, Transport , Lands, etc

- Use of performance contracting

- Setting up of Corruption prevention committees

Achievements

Improved corruption detection

Challenges

- Monitoring and evaluation of anti-corruption initiatives is still at formative stage

- DCEC has not yet been in a position to conduct impact assessment on anti-corruption strategies, initiatives etc.

- DCEC has not yet been able to diagnose and measure corruption nationally.

Agenda 4: Cameroon Country report

Country paper on progress in the fight against corruption as seen through the evaluation of the national anti-corruption strategy presented by Rev. Dr Dieudonne Massi Gams, Chairman of the national anti-corruption commission of Cameroon.

Innovation

- Cameroon established the National Coalition Against Corruption.
- The Rapid Intervention unit continues to be functional and CONAC is also evaluating the impact of the strategy
- Cameroon formulated and is implementing the National Education Programme for Integrity
- The formulation and implementation of the National Anti-Corruption Strategy

Achèvements

- The national level of implementation of the National Anti-Corruption Strategy in 2014 was 27.32%, with some regions (The North West and Centre) performing far better than others.

Challenges

- Lack of commitment by local administrative officials to fight against corruption. .

- Lack of mechanisms to pass knowledge and continuity in public administrations.

- Reprisals from the corrupt.

- Fear to damage human relations.

Plenary

- Botswana also informed delegates that it was in the process of implementing the national anti-corruption strategy that will ensure commitment from government ministries and departments

- It was not clear to a delegate the difference between the prevention and education strategies used by Cameroon .Cameroon responded by the education strategy involved sensitization in schools and learning institutions.

Agenda 5; Conference presentation

A paper on anti-Corruption strategy and Managing interference and victimization presented by Dr Roger Koranteng; Adviser Governance and Anti-Corruption, Commonwealth Secretariat, UK.

His presentation focused on ACAs in Africa. He shared that most of the ACAs in Africa function as constitutional and statutory bodies' .He also noted that ACAs with greatest contribution to anti-corruption efforts are located in countries with high quality governance, political stability and middle-high level economic indicators.

On Government responses his presentation highlighted that many governments have responded to the abuse of public power for private benefit by establishing specialized, multifunctional anti-corruption agencies (ACAs)

He noted that ACAs often face political interference as well as resistance from powerful beneficiaries of domestic corruption networks who perceive the ACAs as adverse to their interests. Dr Koranteng continued to note that many ACAs confront a strategic dilemma, either to persevere with high-level investigations and bold reforms, risking crippling pushback or face potential dissolution

He listed the following as strategies for preserving and protecting ACAs

- building internal controls and accountability

- Setting a good example at the top
- Enlisting the public
- Cultivating international support
- Weighing the Pros And Cons of High-stakes Investigations

Plenary

- Dr Koranteng explained that the strategies he presented dependent on the circumstances in a particular country. He emphasized that some may work in other countries and not work in others .It was therefore incumbent upon the heads to consider the best strategy to use in a particular situation.

- ACAs need to be prudent in how they spend monies allocated to them. The ACAs should not use all their resources in prosecuting high level cases at the expense of other important functions

Day 2

Agenda item 1

A paper titled 'The African Union and the fight against corruption in Africa; Accomplishments, the challenges and prospects". Presented by John Ikubaje; Senior governance officer African Union

Mr Ikubaje thanked the organizers for inviting the African union to make a presentation at the conference. He proceeded to give estimates of the losses occasioned by corruption. He took participants through reports by various bodies that show the impact and effects of corruption emphasizing the need to deal with corruption.

He was concerned that African countries rush to ratify conventions by the UN and fail to ratify conventions by the AU. He shared that out of the 52 countries in Africa only Tanzania has a mechanism of reporting and that most of countries do not report.

He echoed the sentiments by Dr Koranteng that Africa does not lack ideas but the problem lies in the implementation. He further shared that the African Union advisory board can be used as a tool by ACAs to prompt governments to action in as far as commitment to the fight against corruption was concerned.

Plenary

It's was noted that the AU needed to coordinate both the francophone and Anglophone countries in Africa in order to harmonize strategies geared towards fighting corruption.

Agenda 2; Tanzania -Country experiences

Country paper on Electronic evidence in investigation of corruption cases presented by Dr Edward G. Hoseah

Innovation

Establishment of a computer forensic laboratory

Achievements

- Increased success rate in corruption related prosecutions

Challenges

- Investigating , preserving and presenting evidence before court
- Recovery of digital evidence
- Offenders more advanced and sophisticated

Plenary

- Tanzania explained that parliament had to amend the 1873 Evidence Act to allow court admit electronic evidence.

- Tanzania also estimated the cost of constructing the lab at 350,000 dollars minimum for construction. This was less amounts used for training, maintenance and necessary improvements.

Agenda 3; Lesotho- Country experiences

Country paper on engaging the civil society as partners in the fight against corruption presented by Litule Ram Ramaokhoro, Director of public education and corruption prevention directorate on corruption and economic offences of Lesotho

Innovation

- Engaging with the civil society through platforms like the NGO Week and the Commission for Good Governance.

- Various initiatives and structures formed involving civil society, National anti corruption strategy action plan (NACSAP) continue to be implemented.

- Participation in a meeting of ACAs with SADC C council NGO, seeking partnership in the fight against corruption.

Challenges

- Capacity limitations of the DCEO's staff compliment of only 62 officers to cover the entire country.

- Lack of clear policy framework through which civil society commits to fighting corruption.

- Mistrust between civil society and government due to fears of political party beliefs and influences.

- Low financial support in the fight against corruption.

Achievements

- The development of the National Anti-Corruption Strategy and Action Plan (NACSAP) 2014/15 – 2018/19 is a great achievement for the civil society and all other key sectors of society to play a meaningful role in the fight against corruption

Plenary

- Lesotho explained that the work with civil society did not require funding but rather that the DCEC has coaches who are sent to civil society organizations to facilitate in their activities.

Agenda 3; Mauritius country report

Country paper on Private sector engagement in fighting corruption in Mauritius presented by Isswar Jheengut Director Independent Commission against Corruption (ICAC) Mauritius

Innovation

- Establishment of the Business Action Group Against Corruption (BAGAC),Public Private Platform Against Corruption (PPPAC) and the Private Sector Anti-Corruption Task Force (PACT)

- Identifying and awarding champions in the fight against corruption

- Encouraging the private sector to take the integrity pledge

- Establishing of a Council comprises representatives of the founder members of the PACT and two independent members. It will monitor the implementation of the IP.

Achievements

- The subcommittee under the platform submitted a report that led to the amendment of the law on electronic evidence in as far as admissibility is concerned.
- Integrity pledge has become a tool to distinguish ethical companies from the non ethical companies.

Challenges

- The aim of private business organisations is profit-making. The fight against corruption may not be a priority on their agenda.

- The processes are slow and require constant monitoring, perseverance and follow-up.

- Finalisation of a standard self-evaluation questionnaire.

- The need to finalise level of sanctions to be taken against non-compliant organisations and also the appeal process.

- Sustaining the momentum especially with small and medium private enterprises

Agenda 4; Zambia- country report.

Country paper anti-corruption commission Zambia presented by Kashimbo chibwe

Innovation

- Engaging CSOs to conduct sensitization activities and research projects on behalf of the Commission; and expanding the coverage of the Commission's work especially in providing community education and advisory services on corruption, especially in rural areas.

Achievements

- Special training for CSOs was designed to enhance competences to conduct research and sensitization activities.

- Legal contracts were designed for signing by the Commission and individual CSOs that were engaged.

- Operational Guidelines were designed & availed to all CSOs identified to work with the Commission.

- A framework for monitoring the work being done by individual CSOs was developed

Challenges

- Lack of monitoring of activities by the Commission

- Lack of adherence to good corporate governance practices by the CSOs.

- Insufficient operational guidance to CSOs by the Commission.

- Unsystematic reporting procedures on activities undertaken by the CSOs that were engaged.

- Once an impact assessment of the involvement of CSOs is done, the Commission further expects to achieve the following;

- Improved levels of adherence to transparency and accountability in the expenditure of public resources.

- Enhanced accessibility of the Commission by the public.

- Enhanced public confidence in the operations of the Commission.

- Increased reports of suspected cases of corruption from rural areas.

- Improved corporate image of the Commission.

Agenda 5; Namibia- Country experience

Innovative Initiatives by ACC Namibia in the Fight against Corruption presented by Namupa Nengola, Chief of public Education and corruption Prevention Anti corruption Commission (ACC) of Namibia

Innovation

- Anti Corruption Agency (ACA) is using Integrity Management Toolbox

- Comprehensive Financial Investigative Solution(CFIS)

Achievements

- The Toolbox assists the ACC to realize its unique potential for corruption prevention activities

- It allows the ACC, not only to be seen in the perceived negative light of watchdog of the nation but also seen to adopt a positive non-moralizing approach towards integrity and cultivate a more positive public image.

- It allows the ACC to support stakeholders in the public and private sector domains to take concrete steps towards integrity and the prevention of corruption.

- The toolbox is being implemented in three local authorities.

- The Directorate Public Education and Corruption Prevention is thus closely working with the three local authorities to monitor and evaluate the implementation of the identified instruments.

Challenges

- Inadequate Human Resources

- Financial Resources for continuous technical support from CEWAS who developed the toolkit

Agenda 6; Country experiences -Nigeria

Innovative projects done in the fight against corruption in Nigeria presented by Ms Ola Oji tochi economic and financial crimes commission (EFCC) of Nigeria

Innovation

- Human resource initiatives like awarding staff.

- Transition support documents

- Pre- employment polygraph tests

- HR connect –a publication that bridges the communication gap between management and staff.

- EFCC's Interfaith Anticorruption Preaching and Teaching Manuals (and Facilitators' Guides launched on 9th December, 2014, the United Nations Anti-corruption Day) for both Christians and Muslims, are for anti graft teaching in Nigerian churches and mosques

- Women Anticorruption Initiative

Achievements

- The desire to be specially recognized and commended is a spur for hard work and better performance among staff.

- Complaints and inquiries are taken from members of the public and processed on the spot.

- The HR initiatives have fostered a sense of community and value among operatives in all the offices of the Commission.

- The Pre recruitment vetting has led to several disqualifications due to substance abuse etc

Challenges

- Lack of resources

Country Experiences in the 'Role of Innovation' In Fighting Corruption; fighting corruption in the procurement system; an Independent Corrupt Practices and other related Offences Commission (ICPC) Nigeria innovation by Mr Kayode Adedayo Adeyinka

Innovation

- Documentations vetting and investigation of :Audited accounts;Tax clearance certificat;amount declared and truly paid and Pension Commission clearance certificate
- Visa scam investigation
- Collaboration with the Federal Ministry of Aviation

Achievements

- Clean the procurement system

- Ensure more reliable and competent companies are pre-qualified for contract

- Ensure better compliance culture of the private sector

- Increase in tax revenue to government

- Improved transparency in the system

- Corruption monitoring and evaluation at the entry ports of the nation

- Improve the image of the country as our anti-corruption stance is known

- Keep all port officers on their toes

Challenges

- Many of the companies cannot be traced as they have moved offices several times without reflecting same on the letterheads.

- The number of companies to be investigated overwhelmed available resources

- Time was a constraint

- Funding ,Personnel and Slow judicial process

Agenda 6; Presentation

Presentation on knowledge product on anti-corruption agencies by Tim Steele, Senior Anti corruption Advisor, United Nations Office on Drugs and Crime (UNODC)

He stated that UNODC was in the processes of producing a paper on successes in the region with regards to the fight against corruption. He pointed out that data was still being collected to have the paper produced. The paper he noted would highlight agencies that are doing well in specific areas, agencies will therefore be contacted for data. In order to achieve the above objective it was important for the UNODC to be clear on a **set of good practices** to be used to determine the successes of the various agencies

He therefore shared that the participants needed to answer the following questions;

1. Who do we determine success/good practice
2. Where do the good practices come from?/how are they generated
3. Why are we considering a practice a good practice

Day 3

Agenda 1; Presentation

The issue of the role and effectiveness of anti-corruption agencies presented by Dan Barnes -World Bank;

He highlighted research findings from a research done by the World Bank. The finding show that anti corruption agencies are formed as a result of political

consensus that there is need to fight corruption, the political class then make commitments to fight corruption, the agencies are then formed with lots of expectations, the agencies fail to meet the expectation and slowly start losing public confidence, agencies quietly expire and finally the public perception remains

He shared that there was need to have clear mandate for better coordination among different agencies and clear agreements among agencies. As a good example he mentioned "links" with central banks, judicial agencies and revenue monitoring agencies

He noted the need to establish relations with regulatory agencies and agencies at the local level. He also emphasized that public confidence ensures sustainability of the anticorruption agencies. He shared the example of Indonesia where the commission chair had fabricated charges against him and was only able to brave through because of the public confidence the commission had built.

Plenary

Plenary

- There needs to be a balance in information sharing .It would not be wise to share information on investigation
- A delegate wanted to know whether conditions for grants by the World Bank work and whether there were any examples where the conditions have worked well. The banks explained that the conditions set are based on the fact that the bank is guided by its own internal controls.
- The World Bank was not in a position to prefer ACAs to prosecute their own cases as opposed to forwarding them to other agencies- as there were situations where both have worked well.

- The bank cannot deal directly with the agencies it has to work through government. However technical support could be offered directly to agencies.

Agenda 2; South Africa- Country experience

Innovative projects done in the fight against corruption presented by Gerhard Visagie-South Africa

Innovations

- The SIU established in terms of the Special Investigating Units and Special Tribunals Act No 74 of 1996; Use of civil law, the main reason is to ensure that compensatory awards are given. Criminal prosecutions and civil litigation go hand in hand.
- Civil litigation is used effectively in the field of procurement. In criminal one has to prove all element s of crime. Burden of proof id less in civil litigation
- Establishment of special tribunals

Plenary.

- South Africa explained that the use of civil litigation was an extra weapon, this was in response to concerns that civil litigation takes a longer time to prosecute.

Agenda 3; Swaziland –Country experience

Swaziland country report on innovative initiatives presented by Jabu Phakathi

Innovation

- Inter-agency task team that Pursue high profile cases as a team but ACC lead agency. The team has Diverse skills.DPP also established AC Unit that has Improved conclusion of cases

Achievements

- Arrests of high profile Cases (Minister of Justice, Judges, Chief Justice).Transparency international listed Swaziland among least corrupt countries in Africa and ranked 69 out of 174 countries

Challenges

- weak institutional capacity to deliver results

- few fundamental institutional systems

- lack of adequate human resource

- budget allocation

- weak national collaborative efforts

- infrastructure challenge

Agenda 4; Presentetion

Myths and legends of anti-corruption efforts presented by Walter Gary-lead consultant GW Advisory, London

He acknowledged that Perception hold sway in the fight against corruption. The presenter challenged investigators to think about money since the criminals also think about money in order to succeed in their investigations

He noted that agencies could share facilities and equipment as the agencies and that all agencies need not have facilities for investigation. He suggested an international center for investigation be set up.

The presenter also pointed out the need to conduct Integrity tests on agency staff to determine their suitability to hold office.

He noted that Information on the actual loss occasioned corruption has lots of discrepancies every research agency seem to have different figure of amounts lost in corruption

Agenda 1; Kenya-Country experience

Innovative ways of fighting corruption presented by David Kaboro from the Ethics and Anti- corruption commission Kenya

Innovation

One stop shop service (**huduma centre**) to reduce the human contact .The agency then deploys an officer at the centre.

Achievements

- 14 centers operational have ensured efficacy, reduce opportunities of corruption since there is reduced human contact, eliminated bureaucracy , outreach of the service, reduced costs, build public confidence, enhanced
- Winner of 2015 United nation public service awards

Challenges

- Capacity of agency to deploy staff to the centre
- ICT costs
- Slow rate of rolling out across counties

Agenda 2; Uganda- Country experience

Innovative initiatives to fight corruption as presented by Uganda by

Innovation

- Joint activity with CSO like the Anti-corruption week
- Toll free Short Message Service to report corruption
- Data tracking
- Social Accountability and Community Monitoring (SACM) Activity under the Transparency, Accountability and Anti-Corruption (TAAC) Component of the Second Nor

Achievements

- The commission receives at least 30 cases over sms monthly

Challenges

- Differences in agenda between Civil Society Organisations and government agencies

Agenda 3; Rwanda-Country experiences

Innovative initiatives in fighting corruption as presented by Msusangambatware Clement- Ombudsman the Republic of Rwanda

Innovations

- Using activities to disseminate the agencies work; football matches
- Online declarations of assets from senior government

- Establishment of the National Advisory Council to fight against corruption and injustice

Achievements

- To Rwanda Bribery Index report (2014) most of respondents believe corruption in Rwanda is low, has decreased from last year and will be less corrupt the following year. Nearly 100% appreciates Govt efforts effort in the fight against corruption. The level of reporting corruption increased by 11% (26.6% in 2014and 14.3% in 2013).

- According to Transparency International reports (CPI): Rwanda was ranked 102th in 2008 with a score of 3.0 while in 2014 Rwanda was ranked 55th with a score of 49.

Agenda 4; Sierra Leone –Country Experiences

Fighting corruption - facing an epidemic presented by Reginald Fynn from the Anti Corruption Commission Sierra Leone

Innovation

- Hands on Monitoring
- Collaboration with Partners like the - Audit Service Sierra Leone, Sierra Leone Police, National Ebola Response Center
- Intense Sensitization through the media

Achievements

- Persons who were receiving double hazard incentives discovered

- Non Existent persons and quarantined homes weeded out

- Diverted food supplies Intercepted and re distributed

- Cases referred for further investigations

- Three related indictments already filed

Challenges

- Accusations of obstruction

- Managing Expectations of populace

- Internationals and Immunities

- Lack of Expertise in Electronics & Digitization

- Self Preservation and personal safety

Day 5

Group presentations

Group 3

Topic: Strategies for achieving effective prevention function (how can ACAs deter corruption? How can Agencies discourage corruption)

1. Public education focusing on the youth
2. Robust education programme focused on public officers
3. Intergrate anti corruption prevention in schools
4. Application of diagnostic tools in identified public systems(lans, regulations that have loopholes for corruption system audit and review)
5. Identify corruption prone areas(institutions, procedures, departments etc, and plug in efforts like procurement, financial controls
6. Identify corruption risk areas and prioritize them
7. Moral education
8. Encourage whistle blowers protection, facilitate them to report corruption
9. Witness protection mechanisms/legislation
10. Integrity testing
11. Strengthen internal control systems e.g. code of conduct
12. Enhance collaboration amongst stakeholders
13. Develop anti corruption strategy that brings together various sectors, public, private, civil society and religious organisations
14. Vetting of public state officers
15. Effective enforcement of laws
16. Name and shame
17. Open door policy in dealing with civil society groups
18. Be conscious of the mistrust between civil society groups and government.

Group 4

How do ACAs achieve effective and meaningful engagement of civil society organisations

1. Engage CSOs and other stakeholders in a consultative forum to collect information towards a policy
2. Development of a Policy Framework
3. Understanding the challenge of corruption
4. Identify an umbrella body of CSOs
5. Establish a coalition of CSOs
6. Define the engagement of the CSOs
7. Group the CSOs
8. Invite the CSOs to state their interests, aspirations and expectations
9. Clear roadmap of the engagement process
10. Identify funding needs and sources of funding

11. Periodical reviews of engagement through Monitoring and Evaluation
12. Training of CSO leaders
13. Open door policy to all CSOs interests
14. MOU with CSOs
15. Be conscious of the mistrust between the CSOs and the Government

Group 1

Strategies that can enable anti corruption agencies to negotiate political space for independence and other operations.

Strategies

Have the parliament on board

- Create professional ties with members of parliamentary committees in charge of governance issues
- Update members of parliament on activities during budget defense sessions(where they exist)
- initiate courtesy calls between the head of the anti-corruption agencies and the speaker of the national assembly
- Organize seminars and meetings to explain to members of parliament the importance of fighting against corruption and actions earmarked.

Remain professional

- Do not take sides or favor certain groups
- Be neutral in decisions
- Do your job objectively

Communicate

- Engage all those in reporting line

Maintain a good public relations policy with state institutions and their leaders

- Invite state officials to ACA events
- Inform heads of government institutions of your actions(they will fight you less when they understand what you are doing

Heads of anti corruption should create direct contacts with heads of state institutions

Get public on board

- Respond to communications

- Hold public outreach events to inform the public on the mission and the ACAs work
- Have information days

Respect hierarchy
- Keep the head of state informed of all major activities

Initiate informal communication channels with the executive and legislative heads where access to the president and speaker of national assembly is difficult
- Know their secretaries, body guards even wives
- Penetrate their cabinets

Use the regional and sub-regional groupings of heads of ACAs in times of crisis
- They can broker peace with political authorities

Engage the civil society
- They can bring frustrations to light if they understand the actions

Take media on board
- Organize trainings for journalists and other members of press
- Inform the media of major breakthrough in the agencies

Adoption of the communiqué

The communiqué was read to the delegates and they adopted it making necessary amendments. See the communiqué annexed.

Annual general meeting for Heads of Anti- Corruption Agencies

See the minutes annexed.

Closing

Dr Hosea thanked the delegates present for finding time to attend the conference he expressed his appreciation of having been elected the chairperson of the executive committee.

Vote of thanks.

Jabu Phakathi from Swaziland gave the vote of thanks on behalf of the delegates. She appreciated the high standards set at the conference and acknowledged the good work done by the commonwealth secretariat and PCCB in making the conference a success.

Annexes

Annex 1: Time-table

COMMONWEALTH SECRETARIAT AND THE REPUBLIC OF TANZANIA
5th Commonwealth Regional Conference for Heads of Anti-Corruption Agencies
in Africa
Bahari Beach Hotel, Dar es Salaam, Tanzania
25 – 29 May, 2015

"Engaging the Civil Society as Partners in the Fight against Corruption"

MONDAY, May 25, 2015

TIME	TOPIC	RESOURCE PERSON(S)
Conference co-ordinator: Dr Roger Koranteng, Commonwealth Secretariat, UK		
8:00 – 9:00	Registration of Heads of ACAs and invited Guests	*PCCB Secretariat*
9:00 – 10:30	Arrival of Guest of Honor	*Dr Edward Hoseah* *Director-General, PCCB*
	National Anthem	*BRASS BAND*
	Welcome Remarks	*Dr Edward Hoseah* *Director General, PCCB*
	Remarks by Commonwealth Secretariat and Conference overview	*Dr Roger Koranteng* *Governance Adviser - Commonwealth Secretariat*
	Musical Interlude	*(Angel from TM Music)*
	Remarks to welcome the Guest of Honour	*Hon. George Mkuchika* *Minister of State Presidents Office – Good Governance.*
	Key Note Address and Opening	*H.E. Dr Mohamed Gharib Bilal* *Vice President of the United Republic of Tanzania,*
	Musical Interlude	*BRASS BAND*
	Vote of Thanks	*Mr Ibrahim Lamorde* *Executive Chairman EFCC Nigeria*

	Official Photograph	*PCCB Secretariat*
	Media Briefing	
10:30 -11:00	**Refreshments**	
11:00 – 12:00	**Anti-Corruption efforts in the Commonwealth Caribbean** *Mr Julian N. Johnson* *Chairman, Integrity Commission, Dominica*	*Dr Edward G Hoseah Director-General, PCCB (Tanzania)*
	Questions, Answers, Discussion	
12:00 – 1:00	*Presentations by Countries (max 20mins)* 　　　Botswana 　　　Cameroon Questions & Discussions	*Sierra Leone Chairing*
1:00 – 2:00	LUNCH　　　　　　　　LUNCH	
2.00 – 2:40 2:40 – 3:00	**Presentations by Countries (20mins each)** 　　　Ghana (EOCO) 　　　Ghana (CHRAJ) Questions & Discussions	*Botswana Chairing*
3:30 – 4:00	TEA - BREAK	
4:00 – 5.00	*Strategies for preserving integrity and protecting Anti-Corruption Agencies from being subverted or discredited.* *Dr Roger Koranteng* *Commonwealth Secretariat*	*Tim Steele*
5:00 - 7.00	*Break*	
7:00 -	*Welcome Dinner for Delegates and Invited Guest sponsored by Government of Tanzania*	

TUESDAY May 26, 2015

TIME	TOPIC	RESOURCE PERSON(S)
9:00 – 9:45	The African Union and the Fight against Corruption in Africa: Accomplishments, the Challenges and Prospects	*Dr Edward G Hoseah Director-General, PCCB (Tanzania)*
9:45 – 10:30	John I. Gbodi Senior Governance Officer African Union Commission, Ethiopia Questions, Answers, Discussion	
10:30 – 10:45	TEA - Coffee BREAK	
10:45 – 11:45	Presentations by Countries (20mins each) • Kenya • Lesotho Questions & Discussions:	*Cameroon Chairing*
11:45 – 12:45	Presentations by Countries (20mins each) • Mauritius • Mozambique Questions & Discussion:	*Namibia Chairing*
12:45 – 1:45	LUNCH	
1:45 - 2:45	Presentations by Countries (20mins each) • Zambia • Namibia Questions & Discussion:	*Swaziland Chairing*
2:45 – 3:45	Presentations by Countries (20mins each) • Nigeria (EFCC) • Nigeria (ICPC) Questions & Discussion	*Uganda Chairing*
3:45 – 4.00	TEA – COFFEE BREAK	
4:00 – 5:00	*Presentation on Knowledge Product on Anti-Corruption Agencies* Tim Steele UNODC *Questions, Answers, Discussions*	*Rwanda Chairing*
6:00	CAACC Advisory Board Meeting *Botswana, Kenya, Ghana, Mauritius, Swaziland, UNODC, Commonwealth Secretariat*	

WEDNESDAY May 27, 2015

TIME	TOPIC	RESOURCE PERSON(S)
9:00 – 10:00	The Issue of the Role And Effectiveness of Anti-Corruption Agencies. *Dan Barnes* *World Bank*	*Mauritius Chairing*
10:00 – 10.30	Questions & Discussions	
10:30- 10:45	TEA - Coffee BREAK	
10:45 –11:45	Presentations by Countries (20mins each) • South Africa • Swaziland Questions & Discussions	*Lesotho Chairing*
11:45 – 12:30	Myths and Legends of Anti-Corruption Efforts *Gary Walters* *Lead Consultant, GW Advisory, London*	*Nigeria (ICPC) Chairing*
12:30 – 1:00	Questions & Discussions	
1:00 – 2:00	LUNCH	
2:00 –	Excursion	

THURSDAY May 28, 2015

TIME	TOPIC	RESOURCE PERSON(S)
9:00 – 10:00	A Diagnostic Benchmarking Assessment Exercise of ACAs to Identify Agency's Strengths and Gaps *Ken Brander* *President and Principal Consultant* *Clarium Fraud and Compliance Solutions Ltd*	*Nigeria EFCC Chairing*
10:00 – 10:30	Questions & Discussions	
10:30 – 11:00	TEA - BREAK	
11:00 –12:00	Presentations by Countries (20mins each) • Tanzania • Uganda Questions & Discussions	*Zambia Chairing*

12:00 – 1:00	Presentations by Countries (20mins each) • Rwanda • Sierra Leone Questions & Discussions	Kenya Chairing
1:00 – 2:00	LUNCH	
2.00 – 3.00	Group work • Group 1 • Group 2 • Group 3	Facilitator Dr Roger Koranteng
3:00 – 4.00	Plenary (Action plans for follow-ups)	
4.00	TEA BREAK & FREE AFTERNOON	

FRIDAY May 29, 2014

TIME	TOPIC	RESOURCE PERSON(S)
9:00 – 11:00	Annual General Meeting of the Heads of AACs or Representatives only Agenda will provided in consultation with AAACA Chair	AAACA Chairperson
11:00– 11:30	TEA - Coffee BREAK	
11:30 –12:30	Meeting of the Heads of A-Cs and discussion of Communique	
12:30 – 1:30	LUNCH	
1:30 – 3:00	CLOSING Reading of the Communique Remarks by Chairman Address by Guest of Honour Closing	Arrival of Guest of Honour
3:00 – 3:30	TEA - Coffee BREAK	
	FREE AFTERNOON	

SATURDAY 30, 2015

TIME	TOPIC	RESOURCE PERSON(S)
9:00 – 5:00	Departures: Delegates Leave for home countries	PCCB Secretariat

Annex 2: Communique

COMMUNIQUÉ

1. We, the Heads and Representatives of Anti-Corruption Agencies in Commonwealth Africa, meeting at the 5th Regional Conference of Heads of Anti-Corruption Agencies in Africa hosted by the Prevention and Combating of Corruption Bureau, (PCCB) Tanzania organised by the Commonwealth Secretariat at the Ledger Plaza - Bahari Beach Hotel, Dar Es Salaam, Tanzania from 25-29 May, 2015:

2. NOTING with deep gratitude the invaluable support and warm hospitality provided by the government, PCCB and people of the United Republic of Tanzania, the honour of the presence of His Excellency Dr Mohammed Gharib Bilal, Vice President of the United Republic of Tanzania at the opening ceremony; and His Excellency Dr. Jakaya Mrisho Kikwete, the President of the United Republic of Tanzania for hosting the welcome dinner at the State House.

3. MINDFUL of the need to strengthen cooperation and collaboration among the Anti- corruption agencies in Commonwealth Africa;

4. ACKNOWLEDGING the need for a platform for sharing emerging practices and country innovations in the fight against corruption for the promotion of good governance;

5. **COMMEND** the Government of the United Republic of Tanzania through the Prevention and Combating of Corruption Bureau, (PCCB) Tanzania and the Commonwealth Secretariat for hosting and organising the 5th Conference respectively;

6. **HAVING** exhaustively discussed the aims, objectives and the programme content and being satisfied that a full exchange of views has taken place on the goals of the conference;

7. **AGREED** and adopted the following resolutions:

    - Delegates urge Anti-Corruption Agencies to maintain their independence, impartiality and professionalism to further enhance their effectiveness;

    - Delegates urge Anti-Corruption Agencies to develop strategies for negotiating political space for its operations;

- Delegates urge Anti-Corruption Agencies to exploit opportunities to expand and enhance the legislative framework for improved effectiveness of Anti-corruption Agencies in the fight against corruption;

- Delegates urge Anti-Corruption Agencies to develop and implement meaningful and effective strategies to achieve effective corruption prevention;

- Delegates urge Anti-Corruption Agencies to develop and implement good strategies to achieve effective and meaningful civil society collaboration;

- Delegates encourage member countries to provide adequate financial, technical and human resources for sustainable fight against corruption;

- Encourage Anti-Corruption Agencies to constructively engage the media, private sector and the general public in the fight against corruption;

- Further advise Anti-Corruption Agencies to deploy the use of ICT and innovative software to achieve efficiency and effectiveness in their operations;

- Anti-Corruption Agencies are urged to ensure continuous training of its personnel and put measures in place to assess their performance;

- Anti-Corruption Agencies are encouraged to undertake continuous research into new forms of corruption and devise appropriate strategies to deal with them, and

- Member countries and Anti-Corruption Agencies are urged to work in close collaboration with International Organisations to ensure transfer of knowledge, expertise and skills in combating corruption.

8.   **RECOGNISING** and appreciating the diversity of experiences shared, agree:

- To continue further discussions and capacity building on various issues, including enhancing integrity of anti-corruption officers which is critical to building a good image of anti-corruption agencies;

- To collaborate with International Organisations to conduct public opinion/experience-based surveys, and hold stakeholders validation meetings for the surveys, and

- To monitor the impact of their interventions and to continue to share knowledge gained in such interventions.

9. Further agree to accept the offer by Namibia to host the next Conference in 2016 in partnership with the Commonwealth Secretariat.

10. The Conference resolved to have Tanzania as the Chair with membership of the following countries as the Executive Committee Members:
    - Chair: Tanzania
    - Vice-Chair: Namibia
    - Secretary: Botswana
    - Treasurer: Rwanda
    - Three other members: Cameroon, Lesotho and Uganda and
    - One representative of the Commonwealth Secretariat.

Dated the 29th Day of May, 2015 at Dar es Salaam, Tanzania

Annex 3: AGM of Heads of ACAs

5th AGM OF HEADS OF ANTI CORRUPTION AGENCIES IN COMMONWEALTH COUNTRIES AFRICA FIDAY 29 MAY 2014

BAHARI BEACH HOTEL, DARESALAAM, TANZANIA

SUMMARY OF MINUTES-DRAFT

Present

Representative from the commonwealth secretariat and the following countries: Bostwana; Cameroon; Kenya; Lesotho; Malawi; Mauritious; Zambia; Namibia; Nigeria; Mozambique; Tanzania; Uganda; Rwanda and Swaziland.

Apologies

Agenda

1. Opening
2. Adoption of previous minutes
3. Report on the center advisory board meeting
4. Hosting of 2015
5. Matters arising
6. Reading and adoption of the communiqué
7. Closing

No.	item	Discussion/action	responsibility
1.	opening	The meeting was called to order at 10:55 with the representative from Mauritius chairing.	
2.	Adoption of previous minutes	After making the necessary amendments Lesotho moved for the adoption of the previous minutes and was seconded by Kenya	
3.	Report on the center advisory board meeting	• Dr Koranteng reported that the government of Botswana was still hosting the centre. He also explained to the members of the composition of the CAACC for the avoidance of doubt • He reported that the meeting was held on the 26th of May 2015 and that it was presented at the meeting that only four countries had paid up the agreed subscription fees	

		• He reported that sustainability of the centre had become a challenge and invited comments from members present. • Lerato Idube from the center appealed to the Agencies represented to respond to communications from the centre • Lerato also urged the member countries to participate in the trainings	
4.	Maters arising	**Sustainability** • It was proposed by Kenya that the center should introduce minimal fees at the center for training • That the center should increase intake at the center by advertising for students or trainees from outside member states • Dr Koranteng seconded the suggestion by Kenya • It was also proposed that the center should consider bringing the training closer by moving to countries for trainings. **Subscription fees** • Members wanted the list of countries that have not paid the fees be presented and for each Country to state the reason why it had not paid • It was agreed that an invoice be presented to each country before the end of the conference and that the invoice should include the outstanding fees • Members discussed the subscription amount; whether it was more or less with some proposing an increment .However it was agreed that members should first pay-up the	

		subscription fees before discussing increment.	
5.	Reading of the communiqué	It was agreed that the communiqué had been discussed earlier and that it should be printed and distributed.	
6.	Host for 2016 Conference	Arrangements to be made for 2016 conference	Namibia
7.	AOB	- The centre web-site to have links to all the agency websites - The theme of the next conference be communicated in good time - It should be clear to members – to what extent their presentations should be focused on the theme - Dr Koranteng explained that the main aim is to share innovative experiences but countries are also allowed to speak to the theme	

Annex 4: Email address list for conference

NAMES AND EMAIL ADRESS LIST FOR CONFERENCE SOFT COPY MATERIALS

S/N	NAME	EMAIL ADDRESS
1	CANNY GAOLATHWE	cgaolathwe@gov.bw
2	LERATO DUBE	leratomdube@gmail.com
3	KETLHAOTSWE MAPHO	kmapho@gov.bw
4	IRENE MORIAKANG T	imorikang@yahoo.com
5	IKUBAJE JOHN	gbodi@africa-union.org jikubaje@gmail.com
6	ALEX MFUNGO	alexmfungo@yahoo.co.uk
7	KULTHUM MANSOOR	kulthum2000@yahoo.com dpme@pccb.go.tz
8	SABINA SEJA	sabina.seja@pccb.go.tz
9	DANIETTA TINDAMANYIRE	dannytinda@gmail.com
10	EKWABI MUJUNGU	ekwabi69@gmail.com
11	NEEMA MWAKALYELYE	neema.mwakalyelye@pccb.go.tz
12	PILLY MWAKASEGE	pkasege@gmail.com
13	LEONARD LEKGETHO	lglekgetho@hotmail.com
14	BOTLHALE MAKGEKGENENE	bmakgekgenene@yahoo.com
15	ITSENG MOMPATI	imompati@gov.bw
16	EPO DIEUDONNE'	epomag@yahoo.tz
17	PKYENGO@INTEGRITY.GO.KE	pkyengo@integrity.go.ke
18	DAVID KABORO	dnkaboro@integrity.go.ke
19	BOROTHO MATSOSO	borotho1@gmail.com
20	LITELU RAMOKHORO	litelu2ramokhoro@yahoo.com
21	LUCAS KONDOWE	lucaskondowe@yahoo.com lkondowe@acbmw.com
22	IMRAN SAIDI	imransaidi@yahoo.co.uk isaidi@acbmw.com
23	ISSWAR JHEENGUT	ijheengut@icac.mu
24	GULSHAN RAMREKHA	gramrekha@icac.mu icacoffice@intnet.mu
25	PAULUS NOA	pnoa@accnamibia.org
26	NAMUPA NENGOLA	nnengola@accnamibia.org
27	IRENE C. LAMBA	ilamba@acc.gov.zm , irenelamba@gmail.com
28	LAURENCE HANSINGO	lhansingo@acc.gov.zm
29	MARIAM WANGADYA	mwangadya@igg.go.ug
30	PAULINE NANSAMBA	pnansamba@igg.go.ug

31	DR. EDWARD G. HOSEAH	hadvocatesedward@gmail.com
32	MARY G. MOSHA	de@pccb.go.tz
33	JABU PHAKATI	jabuphakati603@gmail.com
34	LEORNARD LEKGETHO	llekgetho@siu.org.za
35	GERHARD VISAGIE	gvisagie@siu.org.za
36	REGINALD S. FYNN JNR	xeggiefynn@hotmail.com
37	SHEKU KANU	sheikay@yahoo.com
38	PHILLIP MOUSTACHE	phillip@gov.sc
39	LEORNARD MTALAI	leonard.mtalai@yahoo.com
40	DOREEN J. KAPWANI	djkapwani1@yahoo.com
41	TUNU MLELI	tunugift@yahoo.com
42	QUEEN KASHIMBO CHIBWE	queenkashimbo@yahoo.com
43	MALIMI MAGEMBE MIFUKO	jemmagembe@yahoo.com
44	STELLA MPANJU	smpanju@yahoo.com
45	LAURENT NDALICHAKO	l.ndalichako@gmail.com
46	LEORNARD MTALAI	leonard.mtalai@yahoo.com
47	OLA TOCHI OJI	ojiola@yahoo.com
48	MUSANGABATWARE CLEMENT	cmusangabatware@gmail.com
49	DARN BARNES	dbarnes1@worldbank.org
50	KEN BRANDER	ken@clariumfcs.com
51	JULIAN JOHNSON	julianjohnson524@gmail.com
52	GARY WALTERS	gary.walters999@gmail.com
53	ADEDAYO A. KAYODE	kayodedee@yahoo.com kayodedee@icpc.gov.ng

Annex 5: Botswana country paper

INNOVATIVE PROJECTS DONE BY DCEC IN THE FIGHT AGAINST CORRUPTION

TANZANIA

Canny Kenneth Gaolathwe

1. BRIEF INTRODUCTION & BACKGROUND

Botswana is a landlocked country located in Southern Africa. Since independence, Botswana has maintained a strong tradition as a stable representative democracy, with a consistent record of uninterrupted democratic elections.

Geographically, Botswana is flat, with up to 70 percent of its territory being the Kalahari Desert.This is a mid-sized country of just over two million people and is one of the most sparsely populated nations in the world. Around 10 percent of the population lives in the capital and largest city, Gaborone. The country was once one of the poorest countries in the world with a GDP per capita of about US$70 per year in the late 1960s, the country has since however transformed itself into one of the fastest-growing economies in the world, now boasting a GDP per capita of about $16,400 per year as of 2013. However, that growth was highly concentrated in the diamond mining sector, so that the revenue so generated accrued almost exclusively to the mining companies and the State because mining rights in Botswana are state-owned.

The task of the state then was to distribute the benefits of mining among the rest of the economy and society, which then led to unusually high dependence on the state. In time, an unhealthy patron-client relationship was established between the state on one hand and the general population, with the private sector and even civil society organizations acting as clients for state support.

Every sector therefore looked to the state as the distributor of development projects and benefits. It was from there that dependency by all on the state for roads, water, schools, health facilities, agricultural subsidies and housing, and social safety nets would grow and give rise to the seeds of early corruption. Indeed, it was in part the scarcity of public resource and the associated competition for limited resources that created opportunities for corruption.

The 1990s saw a rise in the number of corruption scandals and cases. The major ones were land and housing allocation scandals in 1991 and 1992 (Republic of Botswana, 1991; Republic of Botswana, 1992; Good, 1994; Sebudubudu, 2003). Those affairs led to the temporary resignations of a minister and the Vice President and there were several similar cases in the construction industry relating to the general national procurement system. It was in that context that the government created the DCEC in 1994, and re-structured the Police, which had been responsible for investigating corruption before the establishment of the DCEC.

2. INITIATIVE IMPLEMENTED

A. Corruption Prevention Committees

CPC is a strategy that permits organizations to facilitate & perform anti-corruption initiatives at their workplaces by themselves.The introduction of CPC's is a way of decentralizing corruption prevention and in the process, promoting ownership of such initiatives. Through the preventative aspect of the strategy the DCEC has been crafting anti-corruption programmes to be implemented by the various stakeholders. Unfortunately it has become evident that the stakeholders have not been doing much as they viewed corruption prevention as secondary to their core business.

I. Why CPC's/Responsibilities & what are they targeting?

The Corruption Prevention Committee is an approach intended to afford organizations an opportunity to spearhead anti-corruption strategies / initiatives and mainstream anti-corruption measures with a view to eradicate corruption. The prime objective of CPCs is to keep a continuous check on organizational operations and procedures and ensure that there are no opportunities for corruption.

The committees assist organizations to identify, understand and recognize corruption issues relevant to their organizations. CPC's develop and implement corruption prevention plans as well as monitoring progress of set activities. As such, the plan provides a framework and focus for corruption prevention.

They perform corruption risk assessments, which are systematic processes of identifying, analyzing, evaluating, treating and monitoring corruption risks. In addition they, incorporate anti corruption in their code of ethics and conduct. Lastly CPCs, assist the Directorate in the implementation of its different interventions.

B. PERFORMANCE CONTRACTING

DCEC has also introduced the mainstreaming of anti-corruption strategies in the public sector as an anti corruption initiative. This has led to Performance Contracting which started in 2012.This has resulted in a tool which is divided into three levels of eradicating corruption in the Public Sector namely; level 1- Anti-Corruption framework, Corruption Prevention Strategies which is level 2 and Level 3 on Corruption Control Measures. The framework permeates all Ministries and the rationale among others is to improveservice delivery and to eventually have a corrupt free Public Service. For plausible execution of this initiative, Ministries are required to submit biannual reports to DCEC in return DCEC is responsible for; tracking implementation of anti-corruption initiatives to the said institutions, provide advisory services, evaluate and score performance at the end of financial year. This has resulted in Institutionalized concept of anticorruption strategies in the Public Sector.

C. GEOGRAPHICAL INVESTIGATIONS STRATEGY

This is a strategy devised by DCEC to target cases in a particular geographical area using a task force or task forces. Cases are identified, and a task force would be set up to target those cases. The task force is made up of investigators with diverse skills and background.

D. SECTOR SPECIFIC INVESTIGATIONS STRATEGY

DCEC has also introduced sector based investigations in order to group investigators with a particular background & experiences to target those sectors that they are qualified to investigate or deal with. These sectors are Finance, Construction, Forensic, Transport, Education & Immigration, Lands & Housing and General purposes. Those with experience and educational background suiting those sectors are selected to serve in them.

3. MAIN CHALLENGES FACED IN IMPLEMENTING THE INITIATIVES
A. CPC'S

Since Corruption Prevention was not originally the core business of Ministries and Departments, CPCs have faced multiple resistances in mainstreaming anti-corruption in their operations. Consequently, this has led to lack of funding for CPC operations since they are not budgeted for. There is a misperception that CPC's are espionage structures due to inadequate public and staff awareness.

At times, there is lack of buy-in to CPC's by the executive management in ministries which may lead to conflicted interests between management and the CPC.

Some committee members have expressed gradual disinterest in running the committees citing reasons such as long tenure and lack of incorporation into their performance Development plans (PDP's). Furthermore, Some CPC's have been extremely active during ministerial assessment period by requesting trainings and risk assessments and hence strangling the Directorate when it comes to resources.

B. **PERFORMANCE CONTRACTING**

- No commitment by ministries & district offices

- Ministries undertake the task for compliance

- Exist mainly at ministries & less decentralisation has been done to district offices

C. **GEOGRAPHICAL INVESTIGATION STRATEGY**

- Resources are never enough

- Wide geographical areas that are difficult to cover

D. **SECTOR BASED INVESTIGATIONS**

- Too much specialisation restricts diversity

- Less synergy between groups

4. RESULTS OF THE INNOVATION

A. **CPC'S**

- Influx of reports reaching the Directorate's office

- Increased public awareness on matters relating to corruption

- The Corruption Risk Assessments conducted have led to less mismanagement, malpractice, unethical behaviors, deviation from procedures

- Ministerial assessments has shown that there is increased efficiency in service delivery since the introduction of CPCs

B. PERFORMANCE CONTRACTING

- Implementation level of recommendations emanating from Assignment Studies conducted by the DCEC in conjunction with Ministries.

- Ministries have come up with mechanisms to detect corruption and its related crimes within their spheres and pass them on to DCEC for full investigation. By so doing they have a picture of what level or scales of officers are involved as well as amount involved where possible.

- Preliminary Investigations conducted by ministries help in the reduction of backlog cases experienced by DCEC as cases referred to DCEC from ACUs are more refined.

- Turnaround time for investigation is reduced as preliminary investigations would have been carried out.

- Out of transaction monitoring performed by the said ministries recommendations have been made to Accounting Officers to curb identified loopholes be it within their processes or policies.

- Feedback from assessment of ministries has also informed DCEC about which areas to target and health sector based assignment study is one such an example.

- Improves performance and customer service

C. GEOGRAPHICAL INVESTIGATION STRATEGY

The advantages of this strategy are that the cases are concluded within a short while.

- The Directorate saves a lot of resources

- Timelines are adhered to

- Clients are given feedback within time.

- The overall image of the Directorate is improved.

- Major cases have been finished off within time

- Case load has been reduced

D. SECTOR BASED INVESTIGATIONS

- Cases dealt with quickly because of available skill

- Other officers who do not have the skills are offered assistance cheaply

- DCEC has been able to break syndicates and to a certain extent been able to establish methods mostly employed by perpetrators especially in the Transport and Lands sector.

- DCEC has also been able to build rapport with stakeholders especially in the bank and telecommunications sector through the establishment of Digital Forensic.

- Detection capacity has been improved

- Improved quality in investigation reports

5. REFLECTIONS & LESSONS LEARNT

- Increase in the awareness of corruption by the general public

- More reports are received by the Directorate

- Improvement in service delivery by the public service

- NGO's need to be involved in the fight against corruption

- A concerted effort by all stakeholders is needed to combat corruption

- All the Divisions of the Directorate & different stakeholders need to synergy so as to fight corruption

- Internal innovations & strategies are cheap to use when it comes to fight corruption

6. RECOMMENDATIONS THAT COULD BE SHARED

Challenges can be turned into opportunities that can give organisations a chance to come up with better ways of fighting corruption. The high case load experienced by Directorate has compelled it to come up with strategies such as geographical & sector specific. Out sourcing of experts is very expensive and the moment they leave, their recommendations are not simple to implement.

Furthermore, proper allocation of public resources & their distribution to the general public is very crucial in the fight against corruption. Government as the sole distributor of development & maintenance projects, become the focal point

of all private businesses that provide the supply side of corruption .Anti corruption agencies need to advise Government more often on such.

Annex 6: Cameroon country paper for Tanzania

Country Paper

CAMEROON: PROGRESS IN THE FIGHT AGAINST CORRUPTION AS SEEN THROUGH THE EVALUATION OF THE NATIONAL ANTI-CORRUPTION STRATEGY

A presentation by Rev. Dr. Dieudonné MASSI GAMS

Chairman of the National Anti-Corruption Commission of Cameroon (CONAC)

5th Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa. Dar-es-Salam, Tanzania, May 25-29, 2015.

I. **Introduction and background**

The Republic of Cameroon is located in the Central Africa sub-region. The country, popularly known as "Africa in Miniature" for its geological and cultural diversity, is bordered by Nigeria to the west, Chad to the north east, the Central African Republic to the east, and Equatorial Guinea, Gabon and the Republic of Congo to the south.   English and French are the two official languages of the over 20 million Cameroonians.

Politically, Cameroon enjoys relative stability, although it has been fighting the war against Boko Haram for a year now. Corruption, however, remains a major problem following the economic crises of the late 1980s that brought with it moral decadence. Hope to build a new society based on integrity has, however, been rekindled by the demonstrated supreme political will to fight the ill in Cameroon. Today, there exist a number of specialised structures involved in the fight against corruption, amongst them the Supreme State Audit, the Audit Bench of the Supreme Court, the National Agency for Financial Investigations, the Special Criminal Court and the National Anti-Corruption Commission, better known by its French acronym as CONAC.

Created in 2006, CONAC started its activities in 2008 with the putting in place of some main programmes and drawing up of some strategic documents: the National Coalition Against Corruption, the Rapid Intervention unit, the National Education Programme for Integrity, the Rapid Intervention Unit and the National Anti-Corruption Strategy. The strategy, adopted by the government of Cameroon and its development partners in 2011, proposes concrete actions to fight against

corruption using the **PRECIS** tool - **P**revention, **E**ducation, **C**ondition, **I**ncentives and **S**anctions.

While actions to implement the strategy using the Rapid Results Initiatives (RRI) continue nationwide, CONAC is now evaluating the impact of the strategy. This evaluation exercise is the innovative work we would be highlighting in this paper.

II. Evaluation of the Implementation of the National Anti-Corruption Strategy

The implementation of the National Anti-Corruption Strategy began in 2011. To ensure its optimal execution nation-wide, CONAC opted for a two way approach:

- a large dissemination of the methods of fighting corruption outlined in the document;

- the follow-up of actions and results obtained.

Several workshops were organized to train various stakeholders involved in the implementation process. They were drilled on how to elaborate an Action Plan and use the Rapid Results Initiatives to achieve visible results within a short time. Training workshops were organised at the level of the central administration in Yaounde and also in the ten regional capitals. Different ministerial departments and regions went on to implement targeted actions susceptible to curb corruption. The first major evaluation of the impact of the execution of the National Anti-Corruption Strategy was done in 2014. Focus was on the regional action plans.

This evaluation sought to monitor the field actions and identify the strengths and weaknesses in the implementation process.

Methodology

1. Organize one workshop per region for administrative, municipal, traditional, religious, political authorities and members of the civil society (100 persons).

2. Review the level of implementation of the anti-corruption actions in the strategic axes of prevention, education, condition, Incentives and sanctions.

3. Rate the level of implementation of each operational activity on a scale of 100, with 0 being the lowest score.

4. Calculate the average level of implementation of the activities in each strategic axis and the overall implementation rate of the National Strategy in the region.

5. Identify possible reasons for the low implementation of some activities and how to improve on the results.

Following is a summary of the anti-corruption actions in the five axes on which the different regions were evaluated in 2014.

Prevention

1. Place suggestion boxes in all public offices and encourage the public to denounce acts of corruption;

2. Publish a list of offences and punishment that await defaulters;

3. Produce and disseminate short messages and sketches during public meetings, on Radio/TV programmes, market places, churches, highways, etc;

4. Produce procedural manuals, including the cost of the different services offered, for all Regional Delegations, implement them and make them accessible to the public;

5. Hold quarterly meetings to evaluate anti-corruption activities in the region;

Education

1. Conceive, produce and distribute flyers on integrity;

2. Organize information days and training seminar on anti-corruption issues every semester;

3. Include the fight against corruption as a point on the agenda of all official meetings;

4. Work with church officials to have a sermon every month on corruption issues;

5. Create integrity clubs in schools and work places;

Condition

1. Create a clean and conducive work environment with adequate working material provided to all staff;

2. Elaborate a career profile for each duty post and inform all staff of evaluation criteria for advancement, medal award and attribution of other bonuses;

3. Computerize the treatment of files;

4. Conceive and popularize Service Notes to define the time frame for processing each type of file;

5. Provide refresher courses for personnel and follow up the performance of each staff on a monthly basis.

Incentives

1. Write letters of encouragement and congratulations to meritorious staff.

2. Offer special bonuses to hardworking staff;

3. Institutionalize ceremonies to reward meritorious staff;

4. Identify the best contractor for each sector;

5. Publicly name and praise models of integrity in each service every month.

Sanctions

1. Name and shame corrupt officials by publishing their names on notice boards and reporting to hierarchy;

2. Publish the list of poorly awarded and/or executed contracts;

3. Cancel poorly awarded, executed contracts;

4. Create regional log books of corrupt persons and enterprises;

5. Transmit the files of all corrupt individual to the courts and ensure that all sanctions are implemented;

The ten regions of Cameroon were rated as follows after the evaluation:

Region	Level of execution of the National Plan of Action of the Strategy Against Corruption	Position
North West	43.68 %	1st
Centre	43.42 %	2nd
West	34.52 %	3rd
South West	30.06 %	4th
Far North	25.88 %	5th
Adamawa	23.32 %	6th
North	21.88 %	7th
East	19.04 %	8th
South	16.04 %	9th
Littoral	15.4 %	10th
National level	27.32%	

Observations

1. The national level of implementation of the National Anti-Corruption Strategy in 2014 was 27.32%, with some regions (The North West and Centre) performing far better than others.

2. The results of the centre region are attributed to the region's proximity to most State institutions specialised in the fight against corruption which are based in Yaounde, headquarters of the region.

3. The high score of the North West region is attributed to the political awareness of the people of the region and their anglo-saxon culture that encourages accountability.

4. The poor rate of execution of the Littoral and South regions is due to the generalized lack of interest for matters concerning the fight against corruption by the population and the different stakeholders. For example, in the Littoral region the majority of the people are business inclined and ready to do just anything for their businesses to thrive. Most of those in public administrations are also business inclined and have very little time and interest in serving the public. The case of the South region is peculiar in the sense that officials decry corruption in virtually all public speeches, whereas few concrete actions are carried out.

The strides made notwithstanding, we observe that no region attained a 52 per cent execution rate of the programmed actions. This is an indication that efforts still have to be made to ensure that the population appropriate the fight against corruption.

III. Main Challenges Faced in the Evaluation Process

Form a general point of view, the challenges include:

1. **Lack of commitment by local administrative officials to fight against corruption.** This means:

a. some of the local officials are in the corruption chain as they benefit from the fall outs of acts of corruption carried out by their collaborators

b. some of the regional officials are afraid of "hurting" their collaborators. As such, they lack the moral authority to sanction the corrupt.

2. **Lack of continuity in public administrations.**

a. Those who participated in the regional workshops on methods of implementing the National Anti-Corruption Strategy do not pass over the knowledge acquired and documentation to their successors when moved to other functions.

3. ***Lack of know-how by Regional Inspectors.***

a. Most Regional Inspectors have no clear idea of their mission in promoting the fight against corruption

b. Some of the officials lack the expertise in the fight against corruption.

4. ***Reprisals from the corrupt.*** Some officials committed to the fight against corruption are threatened and mocked at by the corrupt.

5. **Fear to damage human relations.**

a. Some bosses fear the consequences that sanctioning a corrupt collaborator can have on his/her career. As such, they prefer to warn them verbally or forward their administrative files for sanctions to be taken by others.

From the technical point of view, the challenges hindering the fight against corruption at the regional level include:

1. **Absence of the services of CONAC in the regions**. The offices of CONAC are found only in Yaounde. The regional authorities are under no pressure to produce results.

2. **Absence of regional units to fight against corruption**. Such units are only found at the central services of ministries in Yaounde.

3. **Lack of incentives to the hard working**: Most officials prefer to punish the corrupt and forget about commending those who serve the nation selflessly.

4. **Lack of resources:** Only one per cent of the budget of CONAC is allocated to follow up the implementation of the National Anti-Corruption Strategy.

IV. Lessons learnt

1. Civil Society Organisations play an important role in the fight against corruption. These organizations were involved in educating and sensitising the population on the importance of fighting against corruption; wherefore the high level of success recorded with education and sensitization activities.

2. Working for a change in mentality is an indispensible arm of the fight against corruption and takes time. This cannot be decreed. The seeds of a successful durable anti-corruption fight should therefore be planted in the minds of citizens by preaching the message of INTEGRITY to all members of society. Proper education, targeted sensitisation and accurate communication on good practices are indispensible. It is in line with this that we have published a book « Lutte contre la corruption et restauration morale au Cameroun: Quelques outils pour agir », or "The fight against corruption and the restoration of public morale in Cameroon: some guidelines for action".

3. The publication of sanctions is one of the most effective education instruments in the fight against corruption.

V. Perspective

The National Anti-Corruption Commission is obliged to carry out the following activities in the days ahead to boost the implementation of the National Anti-Corruption Strategy.

1. Publish the results of the evaluation to spur healthy competition among the regions.

2. Reinforce the capacity of all stake holders involved in the implementation of the National Anti-Corruption strategy and most especially those of the Regional Inspectors who serve as Focal Points in the regional anti-corruption drive.

3. Closely follow up the execution of the regional plans of action to maintain pressure on the officials involved.

4. Identify officials who are committed in the fight against corruption and make them models in the different regions and sectors and ask the hierarchy to reward them with medals.

5. Work for the total commitment of religious authorities in the fight against corruption as they have a strong moral authority over most of their followers.

6. Provide more resources to oversee the implementation of the National Anti-Corruption strategy.

7. Carry out an audience survey for a general appraisal of the impact of anti-corruption actions.

VI.   Conclusion

The results of the evaluation of the implementation rate of the National Anti-Corruption Strategy in the ten regions of Cameroon indicate that there has been some progress in the fight against corruption in Cameroon as no region came out with a zero per cent execution rate. This implies that the entire nation is actively involved in the fight against corruption. However, the progress made is small if we have to go by the objectives set. The road to integrity is therefore long, still very long, as no region attained a 50 per cent rate of implementation. The fight continues...

Use the following contacts to reach CONAC.

Tél.: 237 222 20 37 32 ; Fax: 237 222 20 37 30 ; P.O. Box: 33 200 Yaounde

Website : www.conac.cm   **Email:**   info@conac.cm

Independent Commission Against Corruption

COUNTRY PAPER 2015

1.0 INTRODUCTION

Set up in 2002 with the enactment of the Prevention of Corruption Act, the Independent Commission Against Corruption (ICAC) has as core functions to lead, implement and administer the prevention, education and enforcement elements of the national strategy to fight corruption. Preventive and investigative actions aim at securing an in-depth reform of public and private institutions to inject productivity, efficiency and quality service by:

1. furthering professionalism, impartial and efficient conduct of investigations into alleged cases of corruption and money laundering;
2. securing public trust and enhance reporting and confidence in the fight against corruption;
3. sustaining stakeholders' collective actions against corruption especially amongst the youth;
4. conducting business on the principles of discipline, transparency, accountability and exemplary governance; and
5. clarifying and securing the boundaries within the Executive, thus reinforcing transparency, accountability and integrity.

In this line, the administration of investigations is supported by a full-fledged computerised system, comprising various components, which allow for meaningful and timely management of operations. In particular, it provides for a case management system which records the different pertinent steps and/or decisions taken over the lifetime. The system also provides for a dynamic intelligence database which can streamline the intelligence to sustain a proactive approach in the fight against corruption and money laundering. Recognising the importance of information technology in the Corruption Investigation Division's (CID) operations, the cybercrime unit of the ICAC is being reinforced to meet emerging challenges.

Prevention and education activities aim at securing full public engagement and trust in the national fight against corruption. In this respect, an inclusive and partnership approach is adopted to ensure that all stakeholders in society such as the public and private sector, civil society, youth and professionals amongst others are taken on board. This paper focusses on private sector engagement in the fight against corruption.

2.0 PRIVATE SECTOR ENGAGEMENT

Solutions to combat corruption are now increasingly being viewed within a multi-stakeholder or collective action framework. The pervasive presence of corruption and its impact on all sectors of society renders unilateral solutions ineffective and unsustainable. Private sector engagement in the fight against corruption is an essential element for collective action. Hence, effective measures to control corruption should address the demand side as well as the supply side of corruption.

The ICAC is mandated as per Section 30 (1) (C) (v) of the Prevention of Corruption Act 2002 to *"liaise with private sector organisations and trade unions for the setting up of anti–corruption practices".*

Further, the United Nations Convention Against Corruption (UNCAC), signed and ratified by Mauritius, states at Article 12 (2) (b) that each state party shall take measures to *"promote the development of standards and procedures designed to safeguard the integrity of relevant private entities, including code of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State".*

The United Nations Global Compact Anti-Corruption Principle (10) states that *'Businesses should work against corruption in all its forms, including extortion and bribery'*. It states three elements as listed below for implementation by private organisations:

(i). Internal: As a first and basic step, introduce anti-corruption policies and programmes within their organisations and their business operations;
(ii). External: Report on the work against corruption in the annual communication on progress; and share experiences and best practices through the submission of examples and case stories;
(iii). Collective: Join forces with industry peers and with other stakeholders.

In line with the above, the ICAC enlisted the collaboration of private businesses in the fight against corruption.

2.1 Business Action Group Against Corruption (BAGAC)

To move the fight against corruption to a higher gear, a Business Forum was organised for businessmen in the context of International Anti-Corruption Day 2012 on the theme 'Engaging the private sector in the fight against corruption" with the support of the Mauritius Institute of Directors (MIoD) and Transparency Mauritius (TM). Members from the 100 top Mauritian companies participated.

Given the new economic environment and the various international anti-corruption initiatives such as the UK Bribery Act and the Foreign Corrupt Practices Act 1977, there was consensus during the forum for a more active participation of private businesses in the fight against corruption. Participants moved for the setting up of the 'Business Action Group Against Corruption' (BAGAC) and the first meeting of the group was held in February 2013.

The purposes of the 'Business Action Group Against Corruption' were be to

- develop and implement anti-corruption initiatives in member businesses/ organisations and
- create synergy among businesses for collective action through the sharing of information on effective ways to fight corruption

The BAGAC comprised 20 companies together with representatives of the major private sector organizations like the Joint Economic Council (JEC), Mauritius Chamber of Commerce and Industry, (MCCI) Mauritius Employers' Federation (MEF), and the Mauritius Institute of Directors (MIOD). It met regularly to discuss amongst other issues, appropriate anti-corruption programmes and pledge for ethical businesses.

2.2 The Public-Private Action Against corruption (PPPAC)

To consolidate private sector momentum against corruption and enlist the engagement of other companies, a second Anti-Corruption Business Forum was organised by the ICAC in collaboration with the JEC and the MIoD at the beginning of September 2013, where Prof. D. Rossouw, CEO, Ethics Institute of South Africa and world known expert was the guest speaker.

Participants in the forum proposed for the setting up of the following two initiatives for enhanced collective action against corruption:

(i). A public private forum called, Public Private Platform Against Corruption (PPPAC); and
(ii). A private sector led voluntary initiative called, Private sector Anti-Corruption task Force (PACT).

The relationship between the two groups is illustrated below:
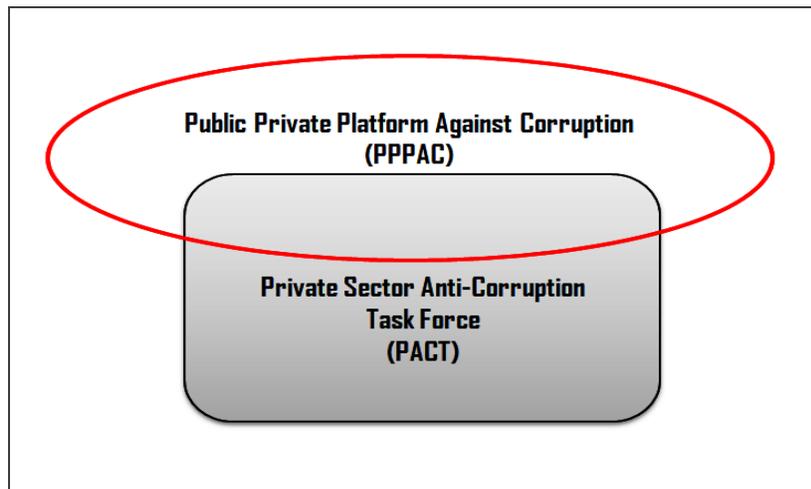
The objectives of the PPPAC are to:

(i) identify and prioritise corruption risks areas which require robust actions from both sides and work towards the elimination of those inadequacies;
(ii) share, synergise and sustain anti-corruption initiatives in each sector;
(iii) make recommendations to relevant parties for enhancing integrity;
(iv) discuss and make proposals for amendments to anti-corruption legislations; and
(v) give recognition and visibility to anti-corruption initiatives.

It ensures collective action from two major stakeholders namely public sector and the private sector. It enables various interest groups to work together to build a strong alliance against corruption. The PPPAC at its first meeting adopted its mandate and objectives. It is co-chaired by the JEC, the Office for Public Sector Governance (OSPG) and the ICAC.

The PPPAC has identified and prioritized a list of corruption risk areas. Procurement and contract management have been identified as priority areas. A Sub-Committee of the PPPAC has worked out a report. The report identifies the weaknesses in the procurement and contract management framework, and proposes a number of recommendations to ensure more transparency, accountability and integrity. The report is being considered at the Procurement Policy Office (PPO) in view of eminent reforms in the procurement legislation.

2.3 The Private Sector Anti-Corruption Task force (PACT)

The PACT which groups private businesses under the leadership of the MIOD, has as objectives to bring about collective action against corruption in the private sector and the implementation of anti-corruption initiatives by businesses.

Since its inception, the PACT has developed an 'Integrity Pledge' for private businesses based on the Thai model together with its implementation process. The 'Integrity Pledge' will be launched shortly.

2.4 Integrity Pledge

The PACT's first task was to develop an Integrity Pledge for the private sector. The Integrity Pledge is a voluntary initiative. Any company or organisation, local, big or small, formal or informal, can sign the pledge – as long as it commits to operate its business ethically and with integrity whilst upholding and promoting accountability, respect and transparency.

Through constant advocacy at the level of the MIOD and the JEC, major private enterprises in Mauritius have already confirmed their willingness to sign up to the Integrity Pledge.

2.5 Purpose of Integrity Pledge

The Integrity Pledge has a dual purpose. It helps to:

- build on the company's Code of Ethics and create an ethical work culture; to create awareness about best practices and ethical business conduct in Mauritius amongst all employees and to ensure that all private companies in Mauritius conduct business in a responsible and ethical way; and
- distinguish the company and the efforts made to create an ethical work culture from those that only pay lip service, reduce the real and perceived level of corruption in Mauritius and sustain the reputation of Mauritius internationally to attract more foreign investment.

2.6 Adoption of the Integrity Pledge

The level of commitment of businesses to the pledge can vary in order to allow all businesses the opportunity to participate regardless of their size and maturity. Each level of commitment comes with requirements of what it would mean for the business and what it should do to live up to that level of commitment. A business can, voluntarily, choose one of the options below, or it can opt for a lower category commitment initially and then over time progress to a higher category of commitment.

The implementation, monitoring and certification will be overseen by a **Pact Council.**

2.7 The Pact Council

To monitor the implementation of the Integrity Pledge efficiently, a 'Council' has been set up. The Council will comprise representatives of the founder members of the PACT and two independent members. Professor D. Roussow of the Ethics Institute of South Africa has been earmarked to be one of the Independent Members of the Council. The Council's assignment includes amongst others; to encourage the adoption of and commitment to the Integrity Pledge; monitor implementation and ensure compliance and also, administer the certification process including awarding, suspending and removing certification.

Annex 7: Mauritius country paper

2.8 The Implementation Process

The process for the implementation of the Integrity Pledge involves 3 levels and is summarised in the table below:

LEVEL 1	LEVEL 2	LEVEL 3
Adoption of the Integrity Pledge	**Integration and Validation**	**External Assessment and Certification**
Adoption of the Integrity Pledge	**Level 1 +**	**Level 1+2+**
Attend relevant seminars and workshops providing regular anti-corruption and ethics training	Develop an in-house ethics and anti-corruption programme	Undertake an independent external audit of the company's internal ethics and anti-corruption programme based on a clear set of Level 3 Indicators set by the PACT Council
Adopt a, or review the existing, Code of Ethics to encompass the Integrity Pledge	Conduct an annual internal ethics risk assessment from On-Line assessment material	Act on the recommended areas for improvement and implement corrective actions
Communication from Top Management to staff & stakeholders for adherence to the Integrity Pledge by condemning unethical behavior whenever and wherever it occurs	Appoint an Ethics Champion to promote ethics within the Company	Report annually and publicly in the Corporate Governance Report in the Annual Report of the Company and on the company's website
Publishing the Integrity Pledge and the Company's adherence in a visible public place as well as on the Company website	Attending relevant seminars and workshops providing regular anti-corruption and ethics training for employees, suppliers and relevant stakeholders	

2.9   Certification

LEVEL 1	LEVEL 2	LEVEL 3
Certification for Level 1 is valid one year and renewable on an annual basis following	Certification for level 2 is valid for 2 years and renewable following assessment by the	Certification for level 3 is valid for 3 years and renewable following assessment by the

assessment by the PACT Council	PACT Council	PACT Council
Organisations will receive a framed certificate for appropriate levels and be allowed to use the PACT logo on all marketing materials		

2.10 Application and Approval Process

Before being certified, entities have to sign up the Integrity Pledge and follow the three steps:

Step 1 shall consist of the following:

➢ Declaration of Intent and [6] months to complete the process;
➢ Payment of joining fees; and
➢ Submission of Self-Evaluation Questionnaire approved by the audit committee and board of directors.

Step 2 shall consist of the following:

➢ the Council shall assess the Self-Evaluation Questionnaire depending on the Commitment Level chosen by the latter;
➢ the Council shall validate the applicant's Commitment Level or advise the latter on the additional requirement(s), if any, to be met in order to achieve the criteria for the chosen Level; and
➢ the applicant's chosen Level of commitment, which is to be validated by the Council, shall be advertised on the PACT's website.

Step 3 - Each Organisation will be subject to an annual review and will be required to pay an annual Certification fee.

2.11 Summary – Development Process of the Integrity Pledge

2012

2013

2013

2014

2014/15

```
                    ┌─────────────────────┐
                    │  Private Sector Forum │
                    └──────────┬──────────┘
                               │
                    ┌──────────┴──────────┐
                    │  Business Action Group │
                    │   Against Corruption   │
                    │       (BAGAC)          │
                    └──────────┬──────────┘
                               │
                    ┌──────────┴──────────┐
                    │ Workshop with Prof. D. │
                    │   Rossouw: Anti-       │
                    │ corruption Business    │
                    │        Forum           │
                    └──────────┬──────────┘
                ┌──────────────┴──────────────┐
       ┌────────┴────────┐            ┌────────┴────────┐
       │ Public Sector Anti- │        │ Public Private Platform │
       │ Corruption Taskforce │       │  Against Corruption     │
       │      (PACT)          │       │      (PPPAC)            │
       └────────┬────────┘            └────────┬────────┘
       ┌────────┴────────┐            ┌────────┴────────┐
       │  Stakeholders:      │        │   Stakeholders:        │
       │  JEC, the MEF, the  │        │ Joint Economic Council, │
       │ MIoD, AHRIM, and TM │        │  the Office for Public  │
       │                     │        │  Sector Governance      │
       └────────┬────────┘            └────────┬────────┘
       ┌────────┴────────┐            ┌────────┴────────┐
       │                     │        │  Sub-committee:        │
       │  Integrity Pledge   │        │ Procurement and        │
       │                     │        │    Contract            │
       │                     │        │   Management           │
       └─────────────────┘            └─────────────────┘
```

3.0   Challenges

The challenges facing its successful implementation are:

(i) The aim of private business organisations is profit-making. The fight against corruption may not be a priority on their agenda. Hence, high level advocacy is required to secure their participation, buy-in and engagement. Resource implication may hamper their total commitment.

(ii) The process is slow and it requires constant monitoring, perseverance and follow-up.

(iii) Finalisation of a standard self-evaluation questionnaire.

(iv) The need to finalise level of sanctions to be taken against non-compliant organisations and also the appeal process.

(v) Sustaining the momentum especially with small and medium private enterprises.

4.0   Expected Results of the Innovation

The project is expected to bring the following benefits:

(i) The Pledge is expected to be launched shortly.

(ii) Once major companies sign up and start implementing the project, it is expected that others will follow. More and more small and medium organisations will adopt the pledge, realising its benefits.

(iii) It is expected that the anti-corruption momentum will grow thus changing the perception of corruption in the private sector. Credibility, reputation and image of private sector organisations will be enhanced.

(iv) Commitment of private sector organisations beyond lip-service. Non-compliant companies will be subject to sanctions.

(v) Higher level of recognition and visibility of private sector engagement.

(vi) A greater synergy among private businesses leading to the sharing of experiences of best practices.

(vii)   Reinforce the anti-corruption culture in the Republic of Mauritius.

5.0   Reflections and lessons learnt

(i)	With perseverance and proper guidance the private sector has shown their willingness to engage in the fight against corruption.

(ii)	In the case of this project the support of an expert from the Ethics Institute of South Africa has been significant. Such inputs are critical for the success of such projects..

(iii)	Anti-corruption legislations must be harmonized to criminalise all forms of corruption in the public and private sector.

Annex 8: Nigeria EFCC - Innovations in the fight against corruption in EFCC

INNOVATIVE PROJECTS DONE IN THE FIGHT AGAINST CORRUPTION IN NIGERIA

A PAPER BY

IBRAHIM LAMORDE

EXECUTIVE CHAIRMAN

ECONOMIC AND FINANCIAL CRIMES COMMISSION NIGERIA

AT THE

5TH COMMONWEALTH REVIEW MEETING OF HEADS OF ANTI-CORRUPTION AGENCIES IN AFRICA

DAR ES SALAAM, TANZANIA

25TH – 29 MAY, 2015

INTRODUCTION

The Economic and Financial Crimes Commission (hereinafter called the EFCC or the Commission) was established in 2003 and is charged with the enforcement of all economic and financial crime laws, among other function. In over ten years of its existence, the EFCC has discharged its responsibility admirably despite of teeming challenges.

In the last one year, the EFCC has continued to expand its work in operations targeting specific sectors in our operations. Investigations into crude oil theft and oil subsidy fraud is still ongoing and more persons have been charged to court. Investigation into pension fraud is ongoing and more persons including civil servants and Police officers have been charged to court.

We have embarked on inter agency collaboration with regulatory agencies and other law enforcement agencies with outstanding results. The joint operation with the Nigerian Customs Services is in progress. The Commission presently is collaborating with the management of the Central Bank in strengthening the internal control mechanism of the institution and the investigation of certain staff of the bank for fraud.

2.   **INNOVATIVE INITIATIVES IMPLEMENTED**

In the last one year, the EFCC has implemented several innovations in its anti corruption measures which has improved the output of the Commission. This paper will focus on staff welfare and prevention initiatives in the EFCC.

A. **HUMAN RESOURCES INITIATIVES.**

Human Resources Unit embarked on several initiatives focused on ensuring that staff operate in a safe and conducive environment; monitoring staff performance and celebrating deserving staff for excellence, integrity and hard work. These initiatives include:

i.   **REWARD AND RECOGNITION**: Management adopted HR's proposal for a Reward and Recognition policy and a planning Committee headed by the Director, Organisational Support was set up. Following the distribution of selection criteria, all Departments were required to develop job-specific criteria and nominate Staff for the various Awards categories. These include Long service, Outstanding individuals, Commendable achievements, Integrity, Best graduating cadets and Meritorious service Awards. The Maiden edition of the Rewards Ceremony held on December 22nd, 2014 and was graced by past Executives and principal Officers of the Commission, members of the Judiciary, Press, Diplomatic corps, Directors, Heads and representatives of the various Units and Zonal Offices and other dignitaries.

ii. **REVIEW OF THE COMMISSION'S RECRUITMENT POLICY:** HR proposed and implemented a review of the Commission's Recruitment Policy to include a **Pre-employment Polygraph test**. This test is conducted on candidates who are successful at the aptitude tests and interview sessions and *only those who are cleared are recommended for employment.* The DIA teams up with the HR to carry out this exercise.

iii. **TRANSITION SUPPORT DOCUMENT:** HR has commenced the drafting and subsequent production of an Employee transition support document. This document is essentially designed to provide a system of support and orientation for staff on transfer to the various Zonal offices as well as provide as much assistance as possible to ease the hurdles of settling into the new environment. This document contains such essential information including: Organisational structure and reporting lines within the Zonal Office, General adaptation information including safe and affordable residential areas, accessible schools/ recreational facilities for children, market and shopping locations, hospitals and/or healthcare facilities, security awareness and an overview of the culture, traditions and disposition of the natives.

iv. **HR CONNECT:** Following complaints from Staff in the Zonal Offices over a feeling of disconnect, the HR Connect, a monthly publication initiative of the Human Resources was birthed for the purpose of bridging the communication gap between staff and Management by

keeping staff better informed about policies, current developments and Management's directives. Additionally, HR Connect serves as a platform to showcase Staff who have excelled in the performance of their duties. This initiative has received encouraging positive feedback and acceptance.

v. **AUTOMATED RECORD OF SERVICE:** HR developed a Record of Service Spreadsheet which automates captured data from Human Manager; it further generates an electronic history as well as projects the career progression of all Staff of the Commission. Consequently, all relevant information concerning Staff record and due dates can be accessed at the click of a button. The spreadsheet also provides relevant information for computing Pension payments upon disengagement of staff.

B. **PUBLIC ENLIGHTENMENT:**

The Public Affairs Directorate (PAD) is charged with public sensitization on the activities of the Commission and engaging the preventive mandate of the Commission; in the last one year, the PAD embarked on a series of novel projects through its various units.

i. **Enlightenment &Reorientation Unit**

The Enlightenment & Reorientation (E&R) Unit, of the Public Affairs Directorate is responsible for public education, enlightenment, and   citizen's orientation

and re-orientation, with a view to mobilizing popular participation in the fight against corruption, economic and financial crimes.

The Unit traditionally engaged the public through its Public/Private Sector Initiative, and the Youth and Schools Initiative. The following initiatives were introduced recently:

a. **FAITH-BASED INITIATIVE**

Collaboration with religious bodies to spread the anti corruption gospel. To this end, we produced **Interfaith Anticorruption Preaching and Teaching Manuals** for both Christians and Muslims. The Manuals and their accompanying **Facilitators' Guides** were launched on the 9th of December, 2014 on the **United Nations Anti-corruption Day**.

b. **Women Anticorruption Initiative**

The Unit targeted women in its sensitization work with the organization of workshops for Women Civil Society Organisations and Community-based Organisations (CBOs) in the North-Central and South Western zones of the country. The workshops held in Abuja (11th August 2014) and Ibadan (24th March, 2015). Participants are trained to recognize corruption red-flags and the ways they can combat it in their own locales and in partnership with others in a network that would grow across the zones from the workshop.

c. **Establishment of EFCC Integrity Clubs in Police Secondary Schools**– in 2014, the Unit in collaboration with the **Nigeria Police**

Force conducted anticorruption Sensitization programmes and established **EFCC Secondary schools Integrity Clubs** in all the police Secondary Schools in seven states of the federation, namely ;

- Akure, Ondo State
- Minna, Niger State
- Mani, Katsina
- Shanono, Kano
- Cross River, Calabar
- Ukana, Akwa Ibom
- Port Harcourt, River State

ii.   The Public Interface Unit

The Public Interface Unit, along with face-to-face front desk management, handles all virtual interfaces of the Commission.   These include the Commission's website, Hotlines and various social media platforms.   Face book, Twitter, Google+, YouTube, Audio Boo.

a) Petitions/ Complaints from within and outside the country can now be sent to the EFCC through the **Facebook**, **Twitter** and Info@efccnigeria.org platforms. As at 15th April, 2015 the EFCC has received **4, 942 International** and **2, 622 Local** petitions/complaints through the Commission's social media platforms.

Some Cases Generated via EFCC Social Media Platforms

The Commission received petitions and complaints of various scams ranging from Love, Employment and Lottery etc., through its social media platforms. Some of the petitions and complaints include:

S/N	PETITIONS/COMPLAINTS	AMOUNT	RESTITUTIONS	STATUS
1	Love scam	$26,520	NIL	Suspects undergoing trial
2	Internet romance scam	£54,000	NIL	Suspects undergoing trial
3	Internet romance scam	€14,250	NIL	Suspects undergoing trial
6	Internet romance scam	(€200,000)	NIL	Suspects undergoing trial
7	Internet romance scams with two American women as victims	$2000 AND $23,886	$2, 000 and $23,886	NIL

3. **MAIN CHALLENGES FACED IN IMPLEMENTING THE INITIATIVES**

   a. Lack of resources to effectively prosecute the anti corruption war.

   b. High cost of air time borne by the Commission in airing its public enlightenment projects.

   c. High cost of publications which are then distributed free of charge.

   d. Tendency of staff to criticize choice of honourees.

   e. General insecurity in the country. This makes it difficult and sometimes impossible for staff to be posted to or to operate in certain localities without unduly endangering their lives and properties.

4. **RESULTS OF THE INNOVATION:**

   a. The desire to be specially recognized and commended is a spur for hard work and better performance among staff. As a result more cases have been concluded and referred to legal department for Legal Advice and possible prosecution in the first quarter of this year than in the first quarter of last year. The Legal department has also recorded more convictions in the first quarter of this year than in the corresponding quarter in 2014.

   b. Complaints and inquiries are taken from members of the public and processed on the spot.

c. The HR initiatives have fostered a sense of community and value among operatives in all the offices of the Commission.

d. The Pre recruitment vetting has led to several disqualifications due to substance abuse etc and ongoing prosecution of some of them bothering on issues of Forgery and Falsification.

5. REFLECTIONS AND LESSON LEARNT.

Oil revenue has been the dominant source of government revenue in Nigeria since the 1970's. Crude oil theft, persistent pipeline vandalism etc linger as threats to Nigeria's oil production and government revenue. With the global slump in crude oil price, Nigeria is looking beyond oil to sustain the growth and achievements recorded in the last three years.

To this end, the enabling environment must be created for outside money to flow into the Nigerian economy.

The Commission is pivotal in the creation of this enabling environment.

Factors inhibiting a stronger growth of the Nigerian economy include political instability, insecurity, slow judicial system, tax evasion, pervasive corruption etc.

With the successful conduct of the 2015 general elections and the peaceful handover of power this week to a new government formed by an opposition party; the political stability of Nigeria cannot be questioned. Nigeria is waging a sustained war against terrorism and peace has

returned to an otherwise troubled region. The next threat to the Nigerian economy is corruption.

As the country prepares for change, the EFCC has repositioned itself to take its operations to the next level.

However the fight against corruption cannot be prosecuted effectively without adequate resources. Where investigations are stalled due to lack of resources, trails run cold, morale of officers become low and performance is affected.

6. RECOMMENDATIONS:

It is necessary no doubt, in an anti corruption agency to establish an institutional framework to check internal corruption and sustain agency integrity; such as the EFCC's Department of Internal Affairs. The DIA was set up in 2012 and is responsible for the investigation of allegations of corruption and abuse of office by staff etc. The DIA has concluded several investigations for which some staff have been dismissed and some charged to court.

It is even more important to establish a culture of commendation and appreciation of staff for work well done. This not only impacts a sense of appreciation for their hard work on staff; it also acts as a boost of general staff morale.

Thank You.

Annex 9: Rwanda country paper Innovative Projects

RWANDA

INNOVATIVE PROJECT DONE IN THE FIGHT AGAINST CORRUPTION

TABLE OF THE CONTENT

1. **BRIEF INTRODUCTION AND BACKGROUND**

- Rwanda is a landlocked country in East African Community with 26.338 square kilometers and 11.78 million of population (2013). At 408 inhabitants per square kilometer, Rwanda's population density is amongst the highest in Africa.

- The Government of Rwanda has undertaken a number of Anti-corruption measures and this was coupled with immense political will, zero tolerance to corruption and public support. Different laws were adopted and different institutions established. Office of the Ombudsman was established as a leading institution in the fight against corruption.

- The Office of the Ombudsman was established in 2004 by the Constitution of 4th June 2003 as amended to date of the Republic of Rwanda in its article 182. It 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. The Office of the Ombudsman has full anti-corruption investigative and prosecution powers.

- The attributions of the Office of the Ombudsman are provided by the Law n°76/2013 of 11/9/2013 determining its mission, powers, organization and functioning in its article 4.The current number of staff on the structure is 78.

- The Office of the Ombudsman performs different activities aiming at preventing and fighting corruption and injustice including receiving annually declaration of assets, monitoring interdictions and incompatibilities of High Government Officials, carrying out investigation of corruption cases, various sensitization activities in

different levels of administration in civil society, private and public sectors in order to raise awareness on corruption and assessment of functioning of different public and private institutions, the Office of the Ombudsman has full anti-corruption investigative and prosecution powers.

2. INNOVATIVE WORK OR INITIATIVES IMPLEMENTED

2.1. Prevention

The Office of the Ombudsman initiated different ways of preventing corruption and related offenses using media, anti-corruption clubs and football competitions among the most two or four popular clubs in the national league to disseminate information:

At Amahoro Stadium during Anti-corruption Cup

2.2. **Online declaration of assets of government officials and other civil servants**

The Office of the Ombudsman has the attribution of receiving annually, the faithful declaration of assets from the Senior Officials in different government institutions and other Civil Servants as provided for by the Law(In accordance with the Law n° 76/2013 of 11/9/2013 n° 25/2003 of 15/08/2003 modifying and complementing the Law n°17/2005 of 18/08/2005 establishing the organization and functioning of the Office of the Ombudsman in its article 4,4°).

The faithful declaration of assets by persons mentioned in Article 3-4° of Law n°17/2005 of 18/08/2005 shall be submitted to the Office of the Ombudsman not later than 30th June of every year, and when they leave their office, in a period not exceeding fifteen (15) days.

After receiving the declared assets from persons obliged by the law, the Declaration of Assets Unit examines what has been declared in order to find out if they were regally obtained. Declarers whom it is found out that they have provided wrong information about their declared assets are handed over to National Public Prosecution Authority.

2.3. **Establishment of the National Advisory Council to fight against corruption and injustice**

The Advisory Council to fight against corruption and injustice was initiated in January 2009 basing on the resolutions of the 6th National Dialogue that took place on 18th to 19th October 2008.

The responsibilities of members of the Advisory Council shall be the following: establish strategies of fighting against corruption and injustice; to examine and make observations on reports made on Rwanda from different institutions on corruption and injustice; set up modalities on sharing of information between Advisory Council institutions on corruption and injustice; approve and publish annually, a report on achievements in fighting against corruption and injustice in Rwanda; follow up on the functioning of Advisory Councils at

local levels. The Advisory Council shall meet once (1) every quarter and whenever deemed necessary.

Presently, the Council is regulated by Presidential Order n° 64/01 of 12/02/2014 determining the responsibilities, organization and functioning of the Advisory Council to fight against corruption and injustice.

The National Advisory Council at national level shall be composed of the following:

the Ombudsman, the Chairperson; the Minister in charge of local government, Deputy Chairperson; the Minister in charge of justice ; the Minister in charge of internal security; the Vice-President of the Supreme Court; the Prosecutor General; the Deputies Ombudsmen; the Inspector General of the Rwanda National Police; the Secretary General of National Intelligence and Security Service; the Executive Secretary of Rwanda Public Procurement Authority; the Auditor General; the Chief Executive Officer of Private Sector Federation and the Executive Secretary of Civil Society Platform.

3. MAIN CHALLENGES FACED IN IMPLEMENTING THE INITIATIVES

- One of the challenges is the higher rate for advertisement in media to disseminate information on preventing and fighting corruption .Finally, we bring on the board football game between sports journalist (Broadcasting VS Print) in collaboration with Sports Journalists Association. The match between Journalists is played before the popular teams from the national league.

- Not all concerned persons have full access to internet like Head teachers whose schools are located in remote areas;

- At the beginning, there were some concerned persons who had no email and it was mandatory to have one or open it so as to send the form through it;

- Some persons who have an obligation to declare their assets have little knowledge of using internet but so far there is remarkable improvement.

- Some Advisory Councils do not meet as provided by the law.

4. Results of the innovation

Although corruption remains a challenges not only in Rwanda but also in the world initiatives implemented by the Office of the Ombudsman showed the following results:

- To Rwanda Bribery Index report (2014) most of respondents believe corruption in Rwanda is low, has decreased from last year and will be less corrupt the following year. Nearly 100% appreciates Govt efforts effort in the fight against corruption. The level of reporting corruption increased by 11% (26.6% in 2013 and 14.3% in 2014).

- According to Transparency International reports (CPI) : Rwanda was ranked 102th in 2008 with a score of 3.0 while in 2014 Rwanda was ranked 55th with a score of 49.

- The Office of the Ombudsman has the mission to prepare and make public the list of persons definitively convicted for the crime of corruption and related offenses and the sentences received. The corruption convicts published decreased: in 2010 they were 170 while in 2014 we published 100 persons.

- According to the East African Bribery Index reports, since 2010 to 2014 Rwanda remains least corrupt country: Bribery prevalence moved from 6.6% in 2010 to 2.9% in 2014.

- Strategies to recover assets from corruption and embezzlement; Advisory Council to fight against corruption and injustice has done in its best in recovery sums of money specifically in judgments where the Government has lost funds due to embezzlement, corruption and related offences. It is in this regards, out of 482,287,095 Rwf owed to the Government 26,188,706 Rwf has been recovered which was taken back to public treasury and the process is ongoing.

- Online declaration of assets is a current initiative due to the fact that previously concerned persons who were obliged to declare their assets used booklets until in the year 2011 where the Office initiated the Online declaration of assets system which is more efficient and user friendly system because of the following reasons:

  - ❖ It is cheap in terms of budget: electronic form is sent on the email of the person who has to declare without spending a lot like before when printing forms was costly;

  - ❖ It is user friendly and efficient system: due to the fact that whenever you are abroad you just open your email and fill the form and thereafter you send it to the Office of the Ombudsman which replies automatically that the declaration of assets is successful;

  - ❖ It is resourceful compared to previous system where forms of declaration of assets had to be sent to declare and thereafter be brought to the Office of the Ombudsman regardless of where your work place was located;

  - ❖ It is effective while carrying out a comparative exercise of verifying the declared assets in a given period of time because it done online;

  - ❖ It does not require space for keeping the declared assets like before where there was a need of a big space for the received forms;

  - ❖ It saves time and space in the context of filing;

  - ❖ It is less conflicting due to the fact that when you have not declared your assets it is easily identified.

- In 2014 , out of 8.774 Goverment officials and Civil servants ,only 8.742(99.6%) declared their assets on time while 32 (0.4%) did not .

- In 2012, out of 8.154 Goverment officials and Civil servants ,only 7.660(94.%) declared their assets on time while 494 (6%) did not

5. REFLECTIONS AND LESSON LEARNT

- The Rwandan population is aware of bad effects of corruption and sanctions provided for culprits. Many people fear to engage in corrupt practices, as they are aware of the zero tolerance policy.

- Political will constitutes a key pillar in adopting and implementing anti-corruption initiatives;

- The Advisory Council to fight against corruption and injustice is very important while dealing with corruption because from the lowest level of its composition because there are strategies set in place to prevent and fight it.

- The Office of the Ombudsman focuses its strategies on prevention, education, collaboration (at national level, regional and international) ,enforcement as well as monitoring and evaluation of strategies adopted .

- The Online declaration of assets system is so helpful, saves time and money and is very secured. Thus, should be introduced by anti-corruption agencies in order to effectively deal with official declared assets.

- Laws shall be put in place and updated according to the current environment.

6. RECOMMENDATIONS

- The overall objective of the Office of the Ombudsman is to prevent and fight against injustice and corruption.

- The achieved results depend on the political will and a strong leadership committed to eradicate corruption and related offences.

- Although the Office of the Ombudsman recorded many achievements, challenges remain in combating corruption due to lack of modern equipments in investigation on corruption as far as cyber crimes related to corruption evolves in different forms.

- In this regards, the Office of the Ombudsman looks forward to seek joint cooperation of regional and international anti-corruption institutions in order to reinforce anti-corruption initiatives.

Annex 10: Seychelles country paper

SEYCHELLES – CONFISCATION OF ILLEGAL ASSETS

The Seychelles archipelago which comprises of about 115 islands is situated 4 degrees south of the equator and is a tropical island with a population of 92,000 people. The economy is based on tourism, fishing, offshore financial services and the exportation of copra and cinnamon. The Seychellois people are of European, African, Chinese and Indian descent all living in harmony.

The authorities regard corruption as a serious offence which can contribute to money laundering. Being an offshore financial centre also acts as a magnet to criminals wishing to launder their illegal funds. There was also a marked increase in the importation of drugs by local traffickers which also saw an increase in consumption by the youth. Realising this, the authorities introduced the necessary pieces of legislation to mitigate these threats.

Initiatives implemented

1. Declaration of Assets

In August 2008, the Public Officers Ethics Act was enacted and this was followed by Public Officers Ethics Regulations on October 22, 2008. The Act made it a legal requirement for specified public officers or category of persons to declare their income, assets and liabilities on or before the end of every year. This includes the President, Vice President, Ministers, Constitutional appointees, members of the Board, etc. The President of the Republic was the first person to make a declaration. The declaration requirement of the Act is designed to inculcate a culture of honesty, hard work and to fight corruption in the government. It was meant to help government anticipate potential conflicts of interest and help uncover actual wrong doing and illicit enrichment.

The declaration requirement of the Act is designed to support the country's zero-corruption policy, maintain proper accountability to the people and encourage integrity. Once a person assumes a senior position in the public sector, his official operations become transparent.

2. Introduction of Civil Assets Forfeiture

The Seychelles FIU was created on June 1, 2006 and was based on the Administrative model of an FIU. It did not have any investigative powers and could only receive, analyze and disseminate STR's to the Police. The problem was that assets of criminals including traffickers could only be confiscated on conviction. Under the AML Act the Police were tasked with money laundering investigations but no cases ever resulted in a conviction. This posed a serious problem and to remedy this situation, the authorities amended the AML Act in August 2008 and at the same time introduced the Proceeds of Crime Act which contained civil assets forfeiture provisions. This saw the formation of a statutory independent investigative and reporting FIU. A new FIU with staff seconded from the Central Bank, Revenue Authority and the Police, was created with increased powers including the powers to freeze accounts without a court order, seize documents/equipment and make arrests. Under the Proceeds of Crime Act, assets could be seized without a conviction as the burden of proof has now been shifted on the suspect to prove the origin of the assets.

Seychelles Country Paper

3. Due Diligence Checks for Land Purchases

Being a holiday destination, a lot of foreigners dream of owning a holiday home in the Seychelles. To ensure that the right kind of people can invest in a home, the Ministry of Land Use and Habitat has sought the assistance of the FIU in conducting due diligence checks on the buyers. This is to prevent criminals from investing their ill gotten gains into the economy. If one is a Politically Exposed Person (PEP), this should be declared to the authorities so that enhanced due diligence can be done on the person.

The Seychelles Investment Board also sought this service on potential investors with the aim of attracting legitimate investors and not criminals.

Main Challenges Faced

1. Declaration of Assets

One of the main challenges with the declaration of assets is getting all those who fall within the category to fully declare their asset especially as it was aimed at discouraging corruption. The President of the Republic kick started the campaign by being the first person to declare his assets. The amount of people that have to declare their assets also posed a problem so the Ethics Commissioner had to give appointments for those coming in for the declaration.

2. Civil Assets Forfeiture

With regards to the new AML Act and the civil assets forfeiture legislation, the initial problem was the understanding of its intent of the law by the judiciary. The FIU also had some teething problems with the lawyers and also with the press who published articles against the FIU non-stop. As the FIU could freeze assets for a period of 180 days without a court order, certain groups lobbied to have this freezing period reduced. The FIU was challenge in the local courts as well as in international courts and managed to win all its cases. The FIU has powers of arrest and in one instance whereby the FIU had arrested two foreigners for attempting to defraud a financial institution, the press published negative articles almost every week accusing the FIU of financial piracy and this only ceased then the two suspects pleaded guilty and were subsequently fined by the courts.

3. Due Diligence Checks

For the due diligence exercise, the challenge faced was in getting the investors to submit the proper KYC documents so as to facilitate the due diligence process.

Results of the Initiatives Implemented

1. Declaration of Assets

All those who fall within the declaration category, readily declare all their income, assets and liabilities on a yearly basis. No major instances of corruption have been noted since the declaration process started.

2. Forfeiture of Tainted Assets

The Civil Assets forfeiture legislation has had a big impact on the forfeiture of tainted assets since the FIU started taking cases to court. This can be better illustrated by the following cases:

   a) ***Case 1 - Local Trafficker***

The suspect was intercepted by the National Drugs Enforcement Agency (NDEA) and during a search, a total of Rs. 1.2 million was found hidden in the spare wheel of his car. He claimed that he hid the money there so that it would not be found by thieves. The FIU successfully proved by means on an income analysis that they were the proceeds of illegal activities. The court eventually ruled in favour of the FIU and the funds were forfeited to the state.

   b) ***Case 2 - Onwa Ltd***

The beneficial owner of this company, Andrae Taame, is a member of an Estonian cybercrime gang that engaged in a massive scheme to infect millions of computers with malicious software and facilitate the commission of internet fraud. The FBI believed that the gang had benefited of at least USD 14 million. A sum of USD 325,190 had been deposited in a local bank and the FIU froze it. In June 2012 an application for an interlocutory order was granted and in January 2014 the judge granted the FIU a disposal order for the said sum.

c) ***Case 3 - German National***

A German national who was involved in the transfer of prohibited materials for nuclear ballistic missile from the European Union to Iran via Turkey in contravention of the EU law. The payments were transferred to Seychelles directly from Teheran and used to buy land and build a hotel. Detection of payments from Teheran by the FIU was passed to INTERPOL and German auhtorities. German authorities sent a Rogatory to our AG seeking search and seizure of documents to Seychelles . The evidence was used to help convict German National in Germany. The Seychelles froze all of German National's assets in Seychelles and applied to the courts under the Proceeds of Crime and AML legislation for confiscation. He was eventually made to pay a fine of Euro 3 million.

e) ***Case 4 - Zijin International***

This is a Boiler Room scam whereby shares were sol;d to pensioners in the UK and the funds were remitted to Bank of Muscat in the company's name. Investor cheques were lodged in the bank acccount in Seychelles and later forwarded to an account in Hng Kong. The Zijin shares had no value and the FIU froze the funds on the account. In his verdict in 2011, the judge ordered that the funds

be returned tothe victims who could be identified. A senior member of staff from the FIU travelled to UK to refund a pensioner who had been derfrauded of GBP 100,000.

f) *Case 5 - Finance Investment Management Ltd*

Frederic Varini and 3 associates were arrested in France for organised fraud, money laundering and illegal practice of bankers profession. They operated a Ponzi scheme and 15 victims were identified with estimated total loss of more than Euro 25 million. The FIU froze funds totalling SCR 28.3 million and the court granted an interlocutory order on the funds.

f) *Case 6 - Belgian National*

A Belgian arms dealer working with a French criminal was selling arms to the discredited Ivory Coast leader in breach of the UN sanctins against the country. The french criminal opened an account with a local bank where funds related to the transaction were lodged. Following the receipt of an STR, the funds were frozen and the client was later made to pay a penalty of Rs. 4.6 million. Intelligence gathered on this case was dissenminated to four European countries and one african country.

Statistics

The two tables below illustrate the impact the civil assets forfeiture legislation has had since its introduction. Table 1 shows the total value of assets frozen (i.e.; temporarily restrained, not yet permanently forfeited) as at 31 December 2014:

Table 1 – Assets Temporarily Restrained

Year:		Fraud	Bribery	Tax crimes	Drugs	Corruption	Other offences	**Total**
As at 31 Dec 2014	USD	5,322,996	449,875	8,534,313	95,284	166,066	351,925	**USD 14.9m**
	EUR	713,364	17,909	140,251	551	235,203	12,059	**EUR 1.1m**
	SCR	2,494,334	-	-	2,333,156	-	-	**SCR 4.8m**
	GBP	123,259	-	313,032	-	-	-	**GBP 436k**
	ZAR	653,532	-	-	-	-	-	**ZAR 654k**
Total (USD)		**6,621,319**	**470,305**	**9,175,004**	**261,589**	**434,386**	**365,682**	
TOTAL		**USD 17,328,285**						

Seychelles Country Paper

Table 2 shows the total values (in USD) for permanently forfeited assets in 2012, 2013, and 2014:

Table 2 – Assets Permanently Forfeitted

Year:	Fraud	Bribery	Tax crimes	Organised crime	Weapons proliferation	Other offences	**Total**
2012	-	-	1,070,658	-	1,141,030	835,702	**3 m**
2013	417,919	-	31,393	165,085	1,896,547	-	**2.5 m**
2014	8,660,482	108,995	1,359,546	199,265	13,218	586,835	**10.9 m**

With regards to the due diligence searches conducted by the FIU on individuals wishing to purchase property and potential investors, that has also had an impact. In 2014, 6 percent of applicants wishing to purchase property were turned away based on the findings. The authorities are not prepared to allow criminals to purchase property with criminally tainted funds.

Reflections and Recommendations

Our experience has shown that if we rely on legislation whereby criminally tainted assets are only forfeited upon conviction, the fight against crime will not be fully won. One needs to be able to strike the criminal where it hurts most and this is when the criminal goes to prison but finds that his assets have all been forfeited to the state.

A regime based on Civil Assets Forfeiture provides the solution to the seizing of criminally tainted assets including proceeds of corruption but there must be political commitment for it to work.

Seychelles Country Paper

Annex 11: Sierra Leone country report

The Sierra Leone Country Report 2014/15

Introduction and Background

The fight against corruption rages on in Sierra Leone but as if that were not enough the nation was struck with a plague of Ebola which started in March 2014. With a single case in the far eastern corner Ebola snaked it way across the country touching every district and leaving in its wake a toll of suffering pain and death. At its peak some districts were reporting as many as 100 or more cases a day. Ebola was far more than a momentary distraction in the fight against corruption. It presented the fight against corruption with what hitherto to has been arguably the biggest single challenge ever.

Very early on in the day President Ernest Bai Koroma saw the need to restate his support for the fight against corruption. He pronounced that the fight with Ebola should not be "seen as a signal for the principles of accountability and transparency to go to sleep". With this reassurance the fight against corruption remained quite robust. There can be no gainsaying however that the Ebola Virus Disease will leave an indelible impression on the fight against corruption in many ways than one. The impressions made could be traced inter alia from the nature of complaints received, the adaptive investigative methods employed and the spate of sustained public interest in the fight.

Procurement processes during an emergency are generally provided for in the law. What may not be provided for is procurement during an epidemic which has resulted in a national state of health emergency. As fear of the disease spread so too did grumblings complaints and speculation that funds were being mismanaged and or stolen. The epidemic demanded the immediate purchase of medical equipment; ambulances, Personal Protective clothing, drugs and the erection of holding and specialized medical centres, payment of hazard incentives to all category of health workers, etc. A deluge of funds was being spent.

Observing the rules to the letter posed a danger that could result in more deaths. Indeed there were calls for undivided attention in the fight against Ebola - postpone all investigations till post

Ebola. It was also glaringly clear though that that the "Corrupt Ones" will not take a break and wait till after Ebola. Ignoring financial rules, safeguards and best practices would allow the corrupt to use the epidemic as a cover for illicit and corrupt activities. The Commission had to quickly strike a balance between insisting on the regularity of process and turning a blind eye to meet with the existing expediency.

The Ebola Response Transparency Initiative

The initiative's main objective is to prevent corruption in the implementation of Ebola related activities. This preventive strategy calls for a presence at sensitive and high risk locations. Sensitization and detection of corrupt activities at such locations were necessarily consequent objectives derived from the main task.

The initiative is implemented by a team of Commission officers drawn from all the commission's operations departments; Investigations and Intelligence, Public Education, Systems and Processes Review.

The team's primary methods of intervention are:

 Hands on Monitoring

It is crucial that the team has a presence at locations where money is being paid. Especially the periodic payments made to health workers burial teams and other support staff as hazard incentives. These amounts (eg Le 500,000 ie $100) per person per week with leakages and unchecked spending soon spiral into very huge sums in a month or two. The padding of staff registers, double counting and plain fund siphoning which were the initial complaints had to be met with watchful vigilance. The ERTI had to either be present or be expected at locations where payments were being made. The results which followed proved very satisfying.

Collaboration with other partners

Whilst the ERTI is an ACC initiative its ambitions transcend the strength of the Commission. A full realization of its objectives demands that the Commission collaborates with other agencies key amongst which are the following;

The National Ebola Response Centre is the organization set up by the President to coordinate the country response and strategy in the fight against Ebola. They have a mandate that covers all that relates to Ebola and it is of vital importance that they accept the ERTI and provide the necessary responses when required.

The Audit Service SL has more expertise in the audit of huge sums of money both in terms of the number of personnel required as well as with respect to the technical expertise required.

The direct input of the Audit service Sierra Leone is therefore crucial to the Initiative's success. Input from the Audit Service may come directly as a part of the initiative or indirectly when of their own volition they publish real time audits of Ebola funds which the ERTI may now use as a tool in future ERTI actions.

The Sierra Leone Police similarly has resources without which the ERTI could not make the progress required. The detention facilities and other coercive mechanisms which the team may find necessary whilst out in the field are provided by the police in a timely manner. When an arrest is made especially in the regions away from the district towns, the commission would need detention facilities which the police always readily provide.

Intense Sensitization

Public Education remains one of the main tools in the three pronged approach to fight corruption. It has proved doubly important in the fight when faced with these two enemies- Ebola and corruption. People had to be reached with the correct message. The slightest misinformation could reverse any one of the two raging battles.

Rumours abound regarding what is happening to this or the other fund. People have to be reassured that Ebola money was not being eaten by crooks. They have to know that someone was watching and that accountability and transparency were still at work. This assurance secured the sustained interest of the people in the fight as it assured them that this was not simply a case of the poor suffering whilst the rich had yet another opportunity to get richer still.

Radio and television engagements were doubled then trebled. There are regular discussions in which ACC staff and Civil Society personalities will remind the public that its obligation to report corruption should not be neglected even in the circumstances. The public is also updated about the activities of the ACC through the ERTI. Information on interruption of corrupt practices and any arrests made are publicized.

In addition to the toll free numbers, email and website possibilities already available for reporting corruption a telephone application compatible with android systems was developed. This App is a tool which could instantaneously send a complaint to the commission together with pictures but also in the strictest confidence.

Results of the Initiative

Apart from the fact that impact assessment remains a challenge for the Anti-Corruption practitioner it must be borne in mind that the ERTI is still being implemented. However some immediate outputs have been achieved in the following areas: hazard incentive pay, quarantined homes and diverted food supplies.

Hazard Incentive Pay

Government established a policy that hazard incentive pay must be made to the various categories of Ebola Response Workers (ERW). These ERWs included Doctors, Nurses, and Various categories of hospital staff, burial teams, swab collector, motorcyclists and many more. These numbers did not only keep growing but the ERTI also discovered that persons would try to receive pay in categories higher than the one they were entitled to whilst others tried to receive double pay.

The ERTI's presence deterred any person from receiving double pay. Unclaimed monies could now be returned to government coffers.

Quarantined Homes

Emergency Health measures require that the immediate surroundings of any premises where an Ebola victim was found should be quarantined for at least twenty-one days. This means that the occupiers of all the homes affected by such quarantine have to stay in doors for the full duration of the quarantine whilst government makes available the necessary provisions for their sustenance for the duration of the quarantine.

The ERTI discovered that the number of persons in a quarantined location may be exaggerated or that more homes than there are at a given location would be stated in a bid to have assigned to such a location more resources than are actually needed at the particular location.

The ERTI by discovering many such situations effectively saved the planned siphoning of government resources.

Returned Food Supplies

Government and INGO's have to make food supplies particularly to the quarantined homes and to hospitals, armed personnel and other such Ebola related operatives. In many cases independent transport and warehousing contractors are used.

The ERTI has found that food items from these stores find their way into the market and general into circulation. The ERTI has on several occasions intercepted truck loads of such "humanitarian" food items meant for Ebola response offloading in obscure unrelated locations or plying routes which later prove inexplicable.

The ERTI would confiscate such food items and return them to the INGO or stores from which it came originally thereby ensuring that the items have another chance to reach the intended beneficiary.

Cases for Investigations and Indictments

The ERTI's focus is mainly preventive. It ensures the money or the food does not go into the wrong hands. In a few situations however where the perpetrator is caught red-handed; e.g. a person who has received hazard pay comes back under an assumed name for a second bite and he is then nabbed or a transporter is caught offloading food items at an unrelated location - arrests have to be made and further investigations for the purpose of a trial proceeded with.

The ERTI's work has provided the substance for many such investigations and indictments.

Main Challenges

Not all the challenges mentioned here are specific to the ERTI. Some of them are challenges which have festered over the years and which require constant attention if their combined effect were not to cripple the fight against corruption completely.

Accusations of obstruction

It is not uncommon for the Commission's investigations to be viewed by the target agency as an obstruction of their work. In the face of an epidemic particularly, the calls for concentrated efforts are many and may sound convincing. The thought that investigations into allegations of corruption with the attendant interviews requests for documents and other requests for information may indeed appear at short sight to come in the way of the work of an agency and in the instant case the national fight against Ebola.

Careful thought however discloses that graft has the tendency to grow if it is not actively pursued. Regardless of protest of being an impediment it is crucial that the anti graft fighter pursues corruption valiantly even in the face of an epidemic.

Managing Expectations of the populace

The general citizenry is usually fired up over a given issue and anxious for action. More often than not the action they crave for must come in the form of arrests trials and imprisonments all at once.   When these expectations are not met there is a tendency for a negative backlash against the anti-corruption practitioner and a general loss of confidence in sustaining the fight.

This challenge is heightened during an epidemic when its impact may be twofold as the expectations will be related to both the cessation of the epidemic and the perceived corruption that accompanies it. Any disappointments will be equally twofold.

Managing these expectations remains a challenge which must always be given attention.

Geographical realities & funding

The success of the ERTI depends in a large measure on the presence of the Commission at the fault lines when payments are being made. The initiative is to interrupt payments when the risk of them being corrupt is very high or when they are apparently corrupt.

During an epedemic payments are being made at the same time almost everywhere. As the ERTI traverses the country the stress and strain will soon begin to show. The ERTI's first nationwide tour lasted twenty-one (21) days and they had barely returned to headquarters when it was time to go again. The men were tired and the cost was heavy.

More men and funding would make the initiative more sustainable like indeed they would enhance the fight against corruption generally.

Self Preservation and Personal Safety

The anti graft practitioner is always faced with issues related to his personal security and safety. In the face of a health epidemic an additional risk to health presents itself. Suspects could be Ebola patients and interacting with them posed a risk of infection to the staff of the ACC.

On one occasion a lab technician who had falsified results for a fee was arrested and interviewed at ACC later proved to be Ebola positive and succumbed to the virus. Commission staff had been in contact with him and had to be under observation for the requisite period. The Commission premises and furniture that the suspect had used had to be sanitized. The whole Commission waited with baited breath till the end of the virus incubation period. Fortunately, Commission staff had observed the contact protocol and no Commission staff had been infected.

This however was a close shave and brought to the fore in a poignant way the risks associated with the job. Staff became more hesitant and self conscious which could negatively impact the speed and efficacy of enquiries.

Civil Society Engagement

Civil Society and the press meet with the Commission quarterly. At such meetings the civil society has the opportunity to privately inform the Commission about any concerns they may have with the way the fight against corruption is being waged. Some of the Commission's fiercest critics use this direct communication tool to ensure that the Commission hears their voice.

The civil society has proved to be a valuable partner in the fight against corruption. They play two primary roles. Firstly they could be whistle blowers raising the first alarm that something is amiss and giving the Commission invaluable pointers. Secondly they act as the *"watchman's watchman"* ensuring that the anti graft fighters remain committed and up to the task. However the national restrictions on gatherings prevented the usual interactions with the Civil Society and new methods of engagement had to be employed by the ERTI together with reliance on newspapers and reports published by the Civil Society.

The invaluable role played by the Civil Society risks being undermined when powerful blocks either funders or owners of Civil Society Groups set out to implement some political, regional or other agenda. Objectivity may be sacrificed.

Concluding Reflections

Corruption needs to be confronted even in the face of an epidemic and especially so then as epidemics provide the kind of space which is necessary for corruption to thrive. Expediency without watchful vigilance soon becomes a cover for corrupt practices.

Collaboration is key to the success of any anti graft initiative especially whilst facing an epidemic. Other pillars of integrity including the Audit Service, The Police, parliament, the Judiciary and many others must be brought on board. The prime objective without ruling out others must be to prevent the occurrence of the act of corruption or the corrupt practice.

Prevention may still be better than cure.

Annex 12: South Africa country paper SIU

INNOVATIVE PROJECT DONE IN THE FIGHT AGAINST CORRUPTION

Presented at the 5th Commonwealth Review Meeting of Heads of Anti- Corruption

Agencies in Africa, Tanzania.

25-29 May, 2015

Presented by

Advocate Gerhard Visagie and Leonard Lekgetho

Special Investigating Unit (SIU), South Africa

Table of Contents

1. INTRODUCTION AND BACKGROUND

The Special Investigating Unit (SIU) was established in terms of the Special Investigating Units and Special Tribunal Act, Act No 74 of 1996 (as amended) and its principal mandate is to uncover nefarious activities through its investigations of State institutions and to assist state entities to discipline their negligent employees and the prosecuting authority to prosecute those guilty of criminal offences. For the SIU to fulfil its mandate efficiently it must contribute to curbing corruption, malpractice and maladministration and it is required to do the following: when it secures evidence of white-collar crime it will make it available to the prosecuting authorities; gather evidence to be used in disciplinary hearings; and it will approach the civil courts to declare invalid, transactions that are tainted by irregularities. These steps when pursued forcefully will serve as a profound deterrent to all individuals. Finally the SIU's reports to the President on each investigation will allow for the continuous development of more effective means to protect scarce public funds. The SIU has skills and personnel that in reality belong to the State and through proper and formal coordination of these skills it is hoped investigations will quickly yield the concrete results that will make the SIU the State's best forensic investigator.

2. INNOVATIVE WORK OR INITIATIVES IMPLEMENTED

2.1 THE PROJECT MANAGEMENT OFFICE (PMO)

The value chain of the PMO is to advise, support and enable the forensic investigation teams to ensure they comply with good project management principles. These teams remain responsible for managing and delivering on the investigations.

3

2.1.1 Benefits of the PMO

- Forensic outcomes review process;

- Consolidating and safeguarding the SIU's performance information (outcomes of investigations);

- Accurate reporting of annual performance information;

- Clear accountabilities and roles within the Business Operations environment;

- Defined programme/projects reporting requirements and agreed Key Performance Indicators (KPI's);

- Integrated opportunity management – new matters informing motivations for proclamations provided they are within the SIU mandate;

- Risk and quality assurance;

- Optimal planning and allocation of resources to deliver efficient and effective outcomes on projects.

2.1.2 PMO Methodology

The PMO partners with the Forensic investigation teams to provide the following services:

- Logging and tracking the status and conversion of projects;

- Optimal resourcing of SIU Staff;

- Financials and invoice preparation to projects;

- Maintain standardised PMO processes and tools;

- Systems support;

- User Access Control.

The diagram below represents the project stages of the PMO methodology implemented at the SIU

4

2.1.3 PMO Reporting Structure
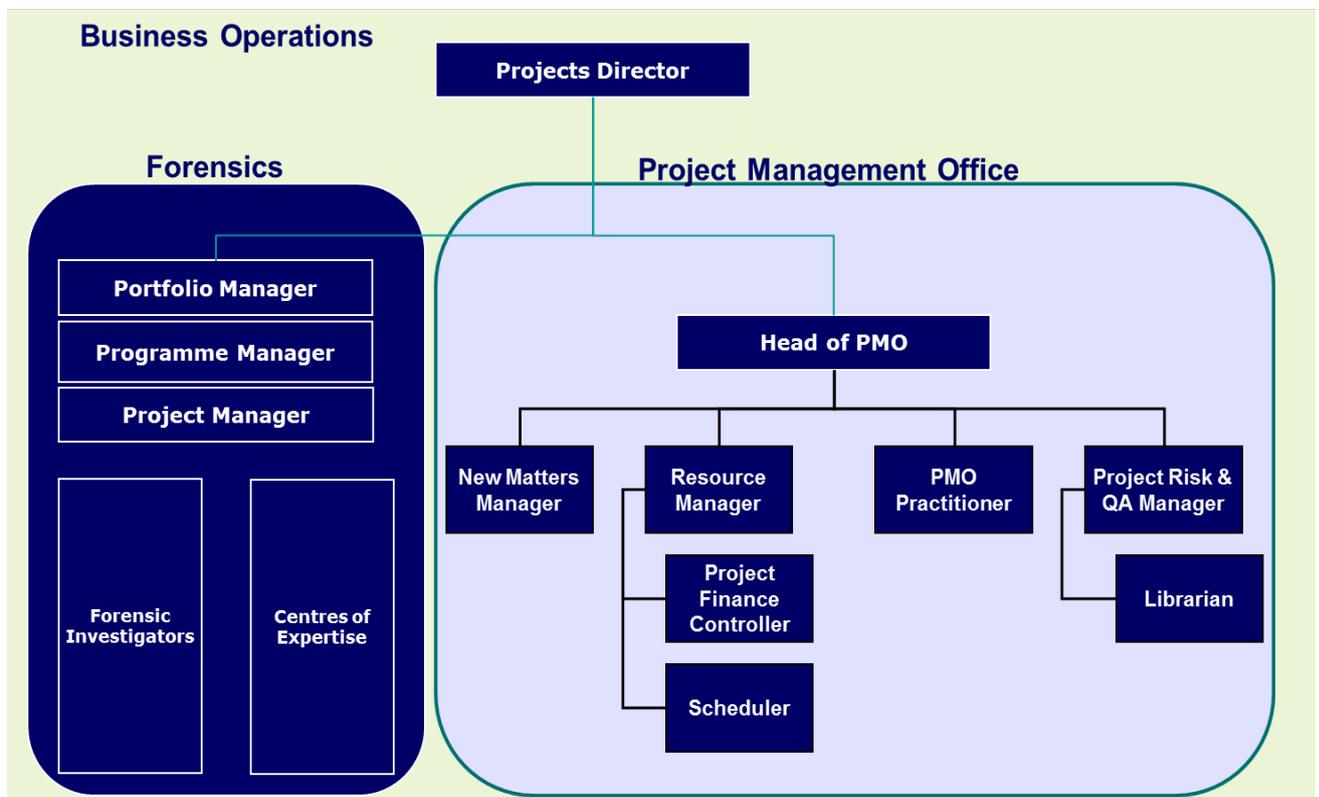
2.1.4 PMO Challenges

- Varying skill sets of Project Managers (previous managers of investigations);

- Appropriate technology for the investigations environment

- Minimal focus on risk and quality;

- Nature of investigations continuously change which require constant upskilling and refocus of investigation skill set

2.2 THE MULTI-DISCIPLINARY APPROACH (MDA)

The MDA uses people with different skills and knowledge to achieve the same goal. It is a tool for performing project based forensic investigations effectively and efficiently. The specialist skills can be found in Centres of Expertise (COEs) and include Forensic Legals (FL), Forensic Data Analysts (FDA), Cyber Forensic Examiners (CFE) and Forensic Accountants (FAC). The purpose of the COEs is to mentor individuals within the COE and to ensure quality assurance of work done. It is imperative that the individual COEs keep their skills and knowledge up to date and that they become leads in their respective fields of expertise.

The COEs are not just a collection of specialists, but more importantly they are a key driver of deliverables and a quality product which ties into the SIU's commitment to provide an excellent forensic service to the State. The MDA is one team of forensic professionals with different areas of expertise / skills and knowledge where all team members are equal. They take the project lead from time to time when their skill is at the fore in respect of their own investigation and they own and are collectively responsible for ensuring quality outcomes.

6

The Programme or Project Manager (Manager) directs and coordinates the various inputs and facilitates the switch of tactical lead from time to time on the investigation by demonstrating an understanding of the scope or requirements of the project and the specific contribution of each team member. The Manager coordinates and manages the contributions from the COEs and uses a collaborative approach in decision-making.

2.2.1 The MDA and the SIU

The successful implementation of the MDA at project level relies upon the meaningful scoping and planning sessions where inputs are taken from the Leads of the COEs and the Manager and selected forensic investigation team members.

The MDA approach is a key competitive differentiator for the SIU as it drives towards project performance. The allocation of the teams by the PMO ensures a seamless integration of these specialist skills on projects, when they are required, as opposed to the silo "distant" approach. These specialist skills must be regarded as team members. The main difference between the COEs and Managers is that they have chosen to be subject matter experts and managers have elected to manage projects and coordinate investigation outcomes.

2.2.2 Critical Success Factors for the MDA

- Continuous communication;

- Patience must be exercised – "superior knowledge and skills";

- Professionalism – they must strive to be subject matter experts;

- Acceptance that other inputs from other specialist skills can happen simultaneously;

7

- Project based approach;

- PMO must consult with COE Leads when allocating specialist skills to projects along with investigators;

- The Manager allocation must have the "right" profile

2.2.3 Challenges to the MDA

- Specialist skills cannot focus on only one investigation at a time because of capacity constraints;

- Managers have insufficient experience in dealing with COEs;

- Coordination of the entire team including the specialist skills;

- Successful MDA and PMO implementation needs to be supported by technological platforms;

- Lack of suitably skilled Senior Forensic Legals;

- Getting the right skill at the right time on the right matter given the various levels of expertise and knowledge.

2.2.4 Minimum Requirements for Specialist Skills in the MDA

- Tertiary qualification – Legal / Accounting / and/or appropriate qualification;

- Project management methodology exposure;

- Significant number of years relevant investigative experience;

- Demonstration of ability to manage teams;

- Understanding of the legislative environment;

- Good interpersonal skills;

- Mentoring skills;

- Good communication and presentation skills;

- Leadership skills;

- Business and financial acumen;

- Good problem-solving skills – provide guidance and recommend appropriate solutions where required.

2.3 COE – Forensic Legals

As most of the outcomes in the forensic investigations are legal in nature, the Lead in most matters must come from these specialist legal skills. The FL remains accountable for the outcomes and as such directs the team in terms of the collection of evidence required. This in turn directly influences and limits the work of the other COEs mentioned. The final review and sign off for all outcomes is done by the FL as there is inherent reputational risk.

2.4 COE – Forensic Data Analytics

FDA gets involved at the initial planning stages of the forensic investigation. Very soon after the planning stage FDA will provide the outcome of a "red flag" exercise in order to focus the investigation teams. This approach dramatically cuts down on the time traditionally spent on manually identifying these exceptions. For example, in procurement types of investigations FDA has a sequence of approximately 60 standard procurement tests that are run against Supply Chain Management (SCM) information.

2.5 COE – Cyber Forensic Laboratory

The CFE provides the following services:

- The forensic acquisition, examination and analysis of digital evidence.

- Providing guidance and advice regarding potential digital evidence in investigations,

- Assisting in drafting applications for search warrants in terms of Section 6 of the Special Investigating Units and Special Tribunals Act 74 of 1996.

- Conducting search and/or seizure operations in terms of Section 6 of the Special Investigating Units and Special Tribunals Act 74 of 1996.

- Data recovery, sanitisation and Computer security incident response within the SIU environment.

Innovations used in the area of Cyber Forensics include (1) **Workflow Processes** that details the steps followed to ensure that cyber forensics is performed using standardised models. It specifies forms used, case management database, case tasks, reference numbers to cases, imaging of computers, and coded hard drives. (2) The use of **Practice directives** that are constantly reviewed to ensure that processes adjusts accordingly as technology changes.

(3) **Multiple imaging of computers on a 24/7 approach ensures** minimum work disruptions to all affected subject matters of the investigations. (4) The **use of a combination of digital forensic tools** such as Access Data's FTK toolkit, Intella and Paraben P2 Commander. (5) A secure **Shared folder** to share workflow process documents, administration documents, progress of the investigation and other information with the examiners and investigating officers that are located in different regional offices.

The nature of the FDA and CFE COEs means that these specialists do not form an integral part of the forensic investigation teams and their work is confined to a "laboratory" type of environment due to hardware and software requirements.

2.6 COE – Forensic Accounting

FAC form an integral part of the forensic investigation teams. They provide analysis of the information, typically financial in nature, which is governed by Finance Acts at both National and Provincial level depending on the sphere of government covered by the Proclamation. While the work closely resembles that of FDA, it is the financial and business acumen aspects that are key deliverables by these specialist members.

3. RESULTS OF THE INNOVATION

- Uniform approach to similar types of forensic investigations;
- Clear accountability and roles
- Provides clear direction in terms of the investigation approach from the start, i.e. no ambiguity;
- Provides focused and specific outcomes on forensic investigations;
- Reduces the turn around time significantly for the completion of forensic investigations;
- Smaller, more effective investigation teams led by specialists;
- Quality legal outcomes;
- More focused proclamations are pursued.

4. REFLECTIONS AND LESSONS LEARNT

- Successful planning under this approach results in more than 80% of forensic investigations ending productively;
- Capacity challenges in the FL COE;
- Role clarification at the start of each forensic investigation is critical;
- Defined processes must be in place for the escalation of matters/issues.

11

5.   RECOMMENDATIONS

- Implement MDA in project-based environment;

- Minimum project management toolset to support the core business of investigations;

- Role clarification to be well defined;

- Continuous upskilling of investigative component;

- Build COE capability (capacity structure and processes);

- Ensure career paths allow specialist skills to be rewarded according to their skill levels.

6.   CONCLUSION

The application of the MDA innovation in a project environment is a key differentiator in corruption fighting agencies where historically all emphasis has been placed on only the investigator skill set. An investment in the COE-related activities regarding forensic investigations will influence positively the outcomes of the anti-corruption initiatives where these initiatives are implemented.

Annex 13: Swaziland country paper

SWAZILAND ANTI-CORRUPTION COMMISSION COUNTRY PAPER

5TH COMMONWEALTH REVIEW MEETING OF HEADS OF ANTI CORRUPTION AGENCIES IN AFRICA

1. Introduction and Background

Institutionally

The Swaziland Anti Corruption Commission, ACC, is established by the Prevention of Corruption Act of 2006 as a government department under the Ministry of Justice and Constitutional Affairs and reports to Parliament through the Ministry. It has a three pronged legal mandate of Prevention, Investigations and Education.

The Commission was operationalised in 2008 under the leadership of a Commissioner and two Deputy Commissioners. The Commission is currently under new leadership. In 2013, His Majesty King Mswati III appointed the present Commissioner, Advocate Thanda Mngwengwe as part of the country's commitment to deal decisively with corruption through the country's Mutual Legal Assistance framework with South Africa.

The Commission's operational staff comprises 10 investigators, 2 education officers and 1 prevention officer. All operations of the Commission are done at Headquarters as there are currently no regional offices in any of the other three regions.

Nationally

The Commission continues to enjoy apparent strong political will in the fight against corruption as the Government of Swaziland continues to support anti corruption initiatives.

In 2010, Government set up an Inter-agency Task Team comprising of the ACC, Police, the Director of Public Prosecutions Office and the Financial Intelligence Unit to assist the Commission in investigating high profile matters.

The Government Programme of Action for 2013-2018 has prioritised the fight against corruption by making corruption a stand-alone key focal area in the Swaziland Development Index with specific deliverables that include investigative, educational and preventive initiatives leading to the National Vision of 2022. A committee has recently been appointed by government to give support and improve anti-corruption initiatives through the entire judicial value chain.

2. Initiatives Implemented

Strategic Plan 2014-2018

In support of the overall Government programme and the national vision, the Commission took a paradigm shift when it crafted its new Strategic Plan for 2014 -2018.

The first strategic plan outlined key strategies that were undertaken during the period 2009 to 2012. The present strategic plan is a departure from the last one as it focuses on institutional readiness to deliver tangible results, as well as building partnerships in the fight against corruption. This allows for a more proactive response rather than reactive. The intended outcome of the Strategic Plan is summarised in five key areas as follows:

- **Resourcing**: focusing on enhancing capacity of the ACC to deliver on the mandate, intent and strategic focus areas

- **Governance**: focusing on establishing and strengthening internal policies, processes and procedures

- **Delivery**: focusing on establishing performance management mechanisms to ensure timely delivery of results

- **Legislative and Policy Framework**: focusing on advocating for a rigorous and uncompromised anti-corruption legislative and policy environment

- **Partnerships**: focusing on advocating and supporting the development and mobilisation of multi-sector stakeholder networks and other partnerships in the fight against corruption.

The plan also recognises that the Commission cannot operate in isolation from other role players within the public and private domains in order to have the substantial impact that is desired. This goes beyond the mere establishment of relationships or partnerships. It calls for an integrated multi-sector network mobilisation comprising both the public, private and civil domains for joint implementation of programmes. In this process the ACC believes it will become the key driver that leads, integrates, capacitates and mobilises these networks. This will also result in a wider impact with potentially quicker and more sustainable results and a systemic approach towards combating corruption.

Education and prevention

The Commission has done exceptionally well in its education initiatives as almost all key sectors have been targeted in face to face awareness meetings and multi-media campaigns.

The Commission has established partnerships with key stakeholders wherein the following has been produced:

- A Police anti corruption curriculum has been developed which targets mainly new recruits as part of their induction process.
- Inclusion of anti corruption issues in some subjects in the primary school curriculm (English and Religious Knowledge) for specific grades.
- Anti Corruption has formed strong collaborations with the Swaziland institute responsible for induction of civil servants.

The prevention component is moving a bit slowly as there is one officer. However, the Strategic plan aims at establishing partnerships with the Internal Audit that has a similar mandate in order to maximize results. Plans are already underway to develop a joint risk analysis that incorporates corruption in order to implement this initiative jointly.

Re-branding of the Commission

The Commission, since inception, had been branded a toothless dog as there were fewer high profile cases that were concluded. The past emblem was evaluated and found to have a more charitable look, hence the Commission was not taken seriously.

As part of the strategic shift and emphasis in branding the Commission as a law enforcement agency, a new emblem was developed. It has a slogan themed *Nembeza Wesive* (conscience of the nation) which seeks to re-engineer people's attitudes and actions towards corruption. The red eye depicts danger and serves as a warning to the

corrupt that the ACC is keeping corrupt dealings in close surveillance and that no one is beyond the ACC radar while the blue web depicts multi-sector collaborative networks that are joining forces with the ACC to quash corrupt networks.

old and new logo

National Anti Corruption Campaign

The Commission through the Prime Minister's Office, will soon launch a national Anti Corruption Campaign.

The Commission, in its quest to entrench the preventative mechanisms, has decided to conduct public awareness of the anti corruption agenda that seeks to re-engineer the attitudes and revive the conscience of the public. To this end, it has designed a national communication campaign strategy that is aimed at providing a conducive environment for economic development and growth, by, amongst other things;

  (i)   improving public service governance capability;

  (ii) managing and improving national perceptions on corruption; and

  (iii) reducing tolerance as well as complacency levels.

The campaign seeks to talk to citizens' conscience in terms of instilling anti-corruption values and norms. By way of an example, it has become a way of life to feel obligated to give pecuniary gratitude to public officers for duties that they are employed and receive a salary for. The campaign seeks to root out bribery and sibongo (thank you) as it encourages corruption. A mere thank you should suffice since the officer receives a salary for the duties they are rendering.

Since the campaign seeks to contribute in improving economic development, the key campaign message is Zero Corruption = 100% Development, taken from the 2013

international anti corruption day theme, which suggests that if the levels of corruption can be drastically lowered, there could be enormous benefits including economic growth. This is in line with the overall Government Programme of Action themed 'Development Unusual'.

The campaign is three-pronged: National dialogues, multimedia and face to face community educational programmes. It will feature regional dialogues that will culminate to a national indaba (summit) on the strategies that must be employed to fight corruption effectively.

Inter-agency Task Team (Innovation)

His Majesty King Mswati III when opening the 2nd session of the 10th Parliament this year, called for all stakeholders to unite to aggressively and collectively implement a multi-sector agenda and enforce a zero tolerance approach towards corruption. His call is in sync with the Anti Corruption strategy of implementing a multi-sector approach.

The ACC currently enjoys goodwill among law-enforcement agencies and other institutions with which it shares various forums. Through strengthened collaboration with the Task Team set up by Government in 2010, the ACC has started producing tremendous results as the needed skills are easily availed through this collaboration. The ACC will continue maximizing the skills and information inherent in these organizations while building its own capacity to deliver tangible results.

The overall results:

- So far, the Commission has enjoyed 100% conviction rate in its cases
- Cases involving millions of Emalangeni (local currency are either in the court system or concluded. Others are pending assets forfeiture.
- High profile arrests made i.e (Justices, Minister for Justice and Constitutional Affairs and High Court Registrar were arrested. The Chief Justice is facing an impeachment process.
- The ACC has made history as never before in Swaziland has sitting justices and a sitting Minister been charged with criminal offences. This has led to the beginning of a new era in Swaziland that of judicial cleansing as there was public outcry in the manner the judiciary conducted its business.
- The ACC is experiencing the reporting of tangible allegations of corruption as compared to the previous years.
- The ACC's image has improved drastically as people believe that no one is above the law.

- The 2014 Transparency International Survey has ranked Swaziland in the top 10 of least corrupt African Countries and has received an overall global ranking of 69 out of 174 countries with a score of 39.

Main challenges faced in implementing the initiatives

The major challenges have been human and financial constraints.

- Inadequate Government budget allocation for 2015 – 2016 = E12m (USD $1.2m). There is a glaring need to strengthen resource mobilisation.

- Current Structure not responsive to the three pronged mandate. ACC has 'flat structure' that does not separate the strategic tier to the operational tier. Structure is also heavy on Administration and thin on Operations.

- Glaring capacity gaps within institution. Skills audit and organisational design is being undertaken for proper placement of existing skills and identification of new skills not available within ACC

- Internal governance systems lacking as well as ICT within ACC. These have been made a priority.

- Currently SD has a dormant National Anti Corruption Forum hence no multi-sector implementation of anti corruption initiatives and the focus of the Strategic Plan is to build partnerships and networks that will collaborate in implementing the overall national agenda.

- The legal and policy framework is also wanting and is a priority going forward as Government has set up a committee to look into how the Commission can be assisted.

Reflections and Lessons Learnt

There are a few lessons learnt as the Commission is undergoing institution re-engineering and has just began implementing the new Strategic Plan. However, there are a few lessons learnt on the overall mandate implementation.

- The Commission has made strides in working collaboratively with other law enforcement agencies and relevant stakeholders through the Inter-agency Task Team. The results are realized timely as the relevant skills are easily coordinated and information gathered quicker. Working closely with the Police and the DPP's Office saves time and leads to timely conclusion of cases.
- Face to face educational meetings have worked better for Swaziland as participants have the opportunity to ask questions and advise on how to report allegations of corruption. Multi-media programmes have been effective, with

mostly live programmes having much impact as people take time to ask questions. Other interested parties would then approach the Commission for further clarity through the phone or other communication means.

- The arrest of high profile people has led to public trust of the Commission to grow favourably.

Recommendations that could be shared

- In the Swaziland scenario where the Commission does not have powers to prosecute own cases, working collaboratively with relevant stakeholders speeds up investigation of cases as opposed to waiting until referring case to the DPP's Office only to find out that there is lacking evidence.
- During investigations, there are times when investigations uncover other offences that are not corruption related, working as a team with the Police has assisted in timely conclusion of such cases.

Annex 14: Tanzaniac country paper

COMMONWEALTH

AFRICA REGIONAL CONFERENCE

TANZANIA

Country Paper

May, 2015

MAP OF TANZANIA

ABBREVIATIONS

ATRU	Asset Tracing Recovery Unit
CSOs	Civil Society Organizations
CPI	Corruption Perception Index
DPP	Director of Public Prosecution
NAO	National Audit Office
PCA	Prevention of Corruption Act
PCB	Prevention of Corruption Bureau
PCCA	Prevention and Combating of Corruption Act
PCCB	Prevention and Combating of Corruption Bureau
PETS	Public Expenditure Tracking System
PE	Public Education
PPRA	Public Procurement Regulatory Authority
TPSF	Tanzania Private Sector Foundation
UNCAC	United Nation Convention Against Corruption
URT	United Republic of Tanzania
WGI	World wide Governance Indicators

1.0 INTRODUCTION

The United Republic of Tanzania (URT) is a country located in East Africa within great Lakes Region. It lies between latitude and Longitude six South and 35 East and that makes it 13th largest country in Africa and 31st in the world. The URT was formed on 26th April, 1964 after Tanganyika uniting with Zanzibar Islands (Unguja and Pemba). Tanzania is bordered by Kenya and Uganda (North) Rwanda, Burundi and Democratic Republic of Congo (West), Zambia, Malawi and Mozambique (South) and the Indian Ocean (East).

2.0 BACKGROUND ON THE ESTABLISHMENT OF the PREVENTION AND COMBATING OF CORRUPTION BUREAU

The Prevention and Combating of Corruption Bureau (PCCB) is established under the Prevention and Combating of Corruption Act No. 11 of 2007. It is one of the first Anti- Corruption bodies in Africa. The Bureau performs three major functions. These are: Prevention, Community Education and Enforcement.

Before the establishment of the PCCB, there was Prevention of Corruption Bureau (PCB) which functioned under the Prevention of Corruption Act (PCA) No. 16 of 2001.

The functions of the Bureau among others are:

- To examine and advise the practices and procedures of public, parastatal and private organizations, in order to facilitate the detection of the corruption or prevent corruption and secure the revision of the methods of

the work or procedure which appear to add to the efficiency and transparency of the institution concerned;

- To advise public, private and parastatal bodies on ways and means of preventing corrupt practices, and on changes in methods of work or procedures of such public, private and parastatal bodies compatible with the effective performance of their duties, which the Bureau considers necessary to reduce the incidences of corrupt practices;

- To cooperate and collaborate with international institutions, agencies or organizations in the fight against corruption;

- To investigate and, subject to the directions of the Director of Public Prosecutions, prosecute offences under this Act and other offences involving corruption: and

- To investigate any alleged or suspected:

   (i) Offence under this Act;

   (ii)Conspiracy to commit an offence under this Act;

   (iii)Conduct of a public official which is connected to corruption.

3.0   INNOVATIVE WORK IMPLEMENTED

CORRUPTION PREVENTION

The prevention function of the bureau involves two directorates: The community education and the Research and Control. Their role is to involve the community in the fight against corruption strengthening of systems by doing research and plug in corruption loopholes.

In fostering public participation for the period of January 2014 to March 2015 bureau implemented the following activities:-

- **Awareness campaigns**: The bureau conducted awareness Campaigns through 259 radios; 67 television programs; 23 TV dramas; 3,763 seminars and 2,148 public talks.

- **Involving Youths**: Younger generation has been involved in the fight against corruption through anti- corruption clubs. There are 2,794 Primary School anti-corruption clubs; 4,111 Secondary School anti-corruption clubs and 92 College and University anti-corruption clubs to date.

- **Control and Strengthening of systems**: The bureau conducted 5 researches to study corruption loopholes in the area of: a) Petroleum and Gas exploration and production (b) Tax Exemption (c) Weights and Measures Agency (d) Local Government elections and (e) Water sector.

- **General Election Anti- Corruption Campaign:** Tanzania will hold its General Election by the end of this year (October 2015). Therefore, the bureau finds that this is the crucial time to remind the public about the evils of Corruption by conducting Seminars on the Election Expenses Act No. 6 of 2010.

- **Home grown indicators**

  Corruption is a complex phenomenon which cannot be easily measured by just using a single variable. So the attempts of measuring corruption using the World Wide Indicators have come under heavy criticisms leading

to a call for re – designing new effective and efficient way of measuring corruption according to local context and thus the development of what we call **HOME GROWN NATIONAL CORRUPTION AND ANTI- CORRUPTION EFFORT INDICATORS.**

Anti- Corruption Club Members singing

Members of Parliament- During the Seminar

3.1   ENFORCEMENT FUNCTION

PCCB continues to investigate grand and petty corruption and the performance has been recorded as follows:-

- **6,214** Complains received

- **1,005** New investigations files opened

- **414** Files were sent to the Director of Prosecutions (DPP)

- **264** Files received consent for prosecution.

- **346** New cases filed in the court of law

- **31** Files were referred to other institutions for further action

- **1,310** On going cases in courts of law

- **160** Convictions

The bureau has managed to save a sum of Tshs. **40,042,608,208**

 (40   billion Tshs)

INVESTIGATION AND PROSECUTION
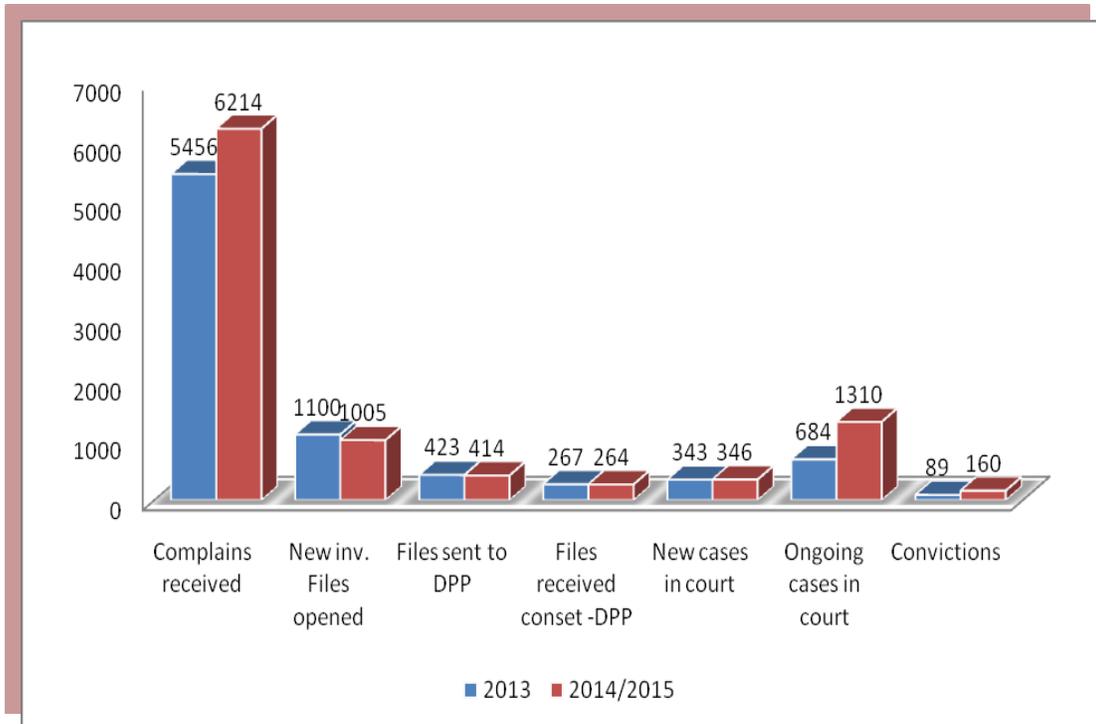
Public Expenditure Tracking System (PETs)

PCCB has introduced Public Expenditure Tracking System where by there are PETs coordinators in every zone. Their main job is to track the money for government projects and establish value for money and investigate where there is misappropriate use of funds.

3.1.1 Establishment of Asset Tracing and Recovery Unity

Director General of the Prevention and Combating of Corruption Bureau established the Asset Recovery Tracing Unit (ATRU) in January, 2014 aligning with United Nations Convention against Corruption (UNCAC) Chapter V of which Tanzania is a signatory.

The ATRU has a mandate to support the investigations of assets, to cooperate with DPP's office to recover assets from post convictions and also to monitor and manage assets currently restrained.

There are several challenges that ATRU and PCCB as a whole encounter in executing its duties. Among others are the absence of Non Conviction Based Asset Forfeiture, Lack of open source intelligence (centralized database system) i.e to know exactly who owns what and prolonged Mutual Legal Assistance Procedures.

3.1.2   Establishment of Forensic Laboratory
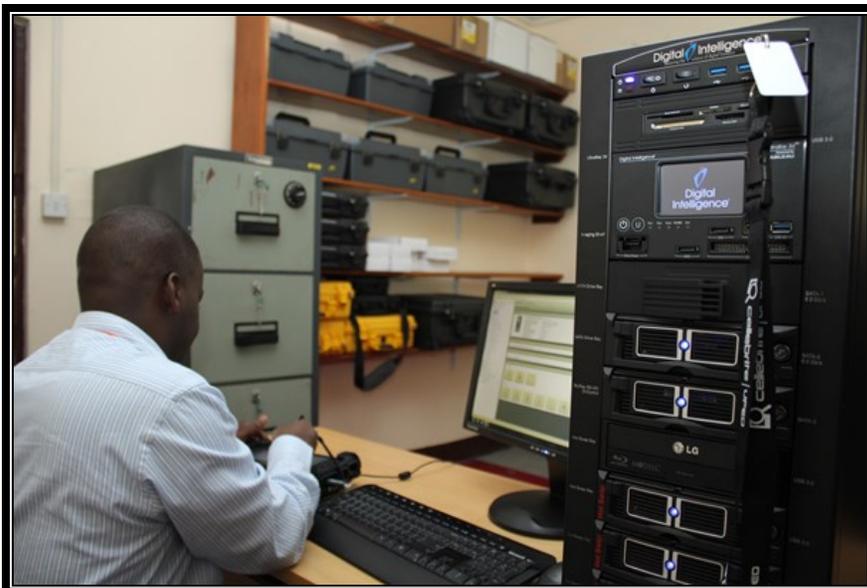
Forencic Laboratory.

The PCCB just like any other law enforcement agent faces a number of challenges when it comes to investigating, preserving and presenting evidence before the court of law.

As technology develops, the world of crime also changes and offenders are now using more advanced means to hide traces of their criminal activities. Fraud, Forgery, money laundering and corruption related offenders are now using altered documents in order to destructs records to hide traces of their crimes.

In recent years while investigating corruption related offences in Tanzania, the PCCB records a raising number of disputed documents.

These documents slows down the investigation and prosecution process as we are supposed to prove beyond reasonable doubt before the court of law that the said disputed document was truly used by offender to commit the corruption transaction.

As the challenge became more serious and visible, one of the priorities of the PCCB was to solve this challenge and therefore decided to establish a complete forensic laboratory with following Forensic machines for Mobile Phones: *Cellebrite UFED Touch*, *Access data Forensic Tool Kit (FTK)* and *Oxygen Forensics*

Other machines for Computer Forensic includes Hardware (i) **FRED Systems** (ii) *Microfred* (iii) *Tableau* and Software (i) **Access Data FTK** (ii) **Gaudence Encase** (iii) **X- ways Forensic** and (iv) **Autopsy Forensic**

All these devices help PCCB to recover and examine data from suspect's computers and other electronic devices and use such evidence in the court of law.

By streamlining these sets will then improve the clarity and utility of the proposed homegrown measures of corruption in Tanzania and perhaps be also replicable to other countries.

3. 3 CAPACITY BUILDING

Kigoma Regional Office

The bureau achieved the following in enhancing its capacity building:

- Recruitment of 394 staffs making PCCB – Tanzania one of the largest institutions in Africa with a total of 2100 employees.

- 597 employees were promoted to different levels, among them 382 (64%) were Investigation Officers and the remaining 215 (36%) were Assistant Investigators;

- 585 employees attended Trainings, Seminars and Courses as follows:-

- 114 employees attended Basic Investigation Course

- 122 employees attended Induction Course

- 50 employees attended seminars and conferences abroad

- A total of 304 employees attended HIV and AIDS seminars.

- A total of 2,009 (96%) employees have been registered with different social security schemes.

- PCCB has succeeded in registering 1,931 (93%) employees in the National Health Insurance Scheme.

PCCB has a policy of building its offices every year, to date there are total of 34 offices owned by bureau.

Training session for PCCB officers

New set of cars for PCCB

4.0 WAYFORWARD

The integrity of any Anti – Corruption Agency relies on its ability, capacity and rally to convince the general public to support the execution of its mandate that restores for and trust to overcome the challenges of corruption in any society.

Annex 15: Uganda country paper - Innovative Projects

Republic of Uganda

INNOVATIVE PROJECTS DONE IN THE FIGHT AGAINST

CORRUPTION: SUCCESS STORIES IN UGANDA

UGANDA COUNTRY PAPER

MAY 2015

Background

The Inspectorate of Government is the leading anti-corruption agency in Uganda. The inspectorate was first established in 1988 as a department in the Office of the President. With the enactment of the 1995 constitution, it became constitutional body established under article 223, tasked with the enormous responsibility of fighting corruption, abuse and misuse of office and administrative injustice. The Inspectorate fulfills its mandate through investigations, prosecutions, administrative sanctions, enforcement of the Leadership Code of Conduct as well as through public awareness programmes.

The anti-corruption struggle is no doubt an intricate one because of its nature. Corruption is largely an issue of personal integrity and morality aided and abetted by highly skilled accomplices. This makes it difficult to investigate and successfully prosecute. It is also a struggle where one makes many enemies and has few friends and it cannot be won singlehandedly.

In spite of these challenges, over the last 25 years the Inspectorate has worked to develop innovative projects aimed at facilitating the anti-corruption struggle.

Innovative initiatives implemented by the IG.

Data Tracking Mechanism (DTM)

DTM is a tool that was developed by the Inspectorate with technical support from the Economic Policy Research center and World Bank to monitor and track corruption trends on an annual basis using empirical data. The tool was

launched in 2009 to address a growing concern about the lack of credible tools and methods to track corruption in Uganda.

The implementation of DTM has not been without challenges. The fact that it is fully funded by donors has led to challenges in ensuring continuity. For example in 2013 we did not conduct DTM due to such logistical challenges. This however gave us the opportunity to review the entire DTM process. The aim of the review was to ensure that indicators of corruption being used were still relevant, the format of the report was appreciated by the intended audience, and the data collection and analysis process was still rigorous and transparent. In addition, the review took into consideration responses forwarded to the Inspectorate on data sources, data collection and definition of corruption.

It is important for anti-corruption institutions to have reliable data that shows the state of corruption in the country as a way to evaluate their performance and to identify key intervention areas. For it to be effective and credible it should be spearheaded by the anti-corruption agencies.

Short message Reporting System

A toll free SMS Corruption reporting hotline called "Report2IG", with the slogan, *"Expose Corruption,"* was launched in June 2013. This hotline allows citizens to immediately report grievances to the IGG at no cost and at any time.

Whereas the SMS hotline has enhanced IG's ability to identify and promptly respond to cases of corruption, it has also been greatly abused. Frivolous and sometimes malicious baseless complaints are sent to us and later abandoned. Complainants sometimes switch off their phones, throw away simcards or become rude when contacted for further and better particulars.

The above notwithstanding, the Inspectorate receives about 30 new cases per month. We have now identified some of the gaps within the system and are strengthening measures to ensure that more complaints are registered and resolved at the grassroots by the Community Monitoring Groups.

In order to make the most of it, adequate public awareness is required. The Inspectorate has however slowed down on publicizing it due to inadequate capacity to manage the case load. It however remains a good initiative in light of the fact that complainants tend to be whistle blowers from remote areas. However with the advent of technology it is a viable tool to bring the services of the institution closer to the people.

Citizen engagement

The Inspectorate of Government appreciates that it cannot successfully fight corruption alone. A large part of the success of the anti-corruption struggle lies in ensuring that the communities are empowered to say 'NO" to corruption and demand efficient service delivery and actively participate in fighting the vice. In this regard the Inspectorate of Government with support from the World Bank

piloted the Social Accountability and Community Monitoring (SACM) Activity under the Transparency, Accountability and Anti-Corruption (TAAC) Component of the Second Northern Uganda Social Action Fund (NUSAF II) in 2012.

The IG engaged a CSO consortium that mobilized Community Monitoring Groups (CMGs) to play the role of community monitoring, anticorruption reporting mechanisms and documentation of their activities. Of the 10,000 sub-projects under NUSAF, 734 were identified to elect 9 CMG members as well as choose a coordinator. 701 of these have so far been mobilized. This means that there are currently 6309 CMG members who act as the eyes and ears of the Inspectorate of Government at grass root levels.

Funds were released last year and the Inspectorate began monitoring the CMGs to determine whether they were implementing the training they had received to be able to demand for accountability.

Some examples include one community which was supposed to receive cows. Having been trained in the procurement processes and how to identify good quality cows, they were able to reject the poor quality cows and get the supplier to provide cows that met the required standards.

In another community a contractor had constructed a shoddy building. The CMG members informed police to pull it down and one that is up to the required standard was provided to the community.

Based on these best practices, a successor project is being designed to be more elaborate .Instead of simply having CMGs from a sub-project, the CMGs will now be at parish level and will also have an increased mandate.

There are also plans to introduce social accountability tools to ensure a more systematic manner of citizen participation and feedback. Plans are underway to benchmark these tools in Ethiopia and Rwanda.

The IG also intends to introduce a simple monitoring tool to enable it to collect information on key performance indicators in the accountability sector.

Conclusion

The corrupt tend to be highly intelligent and skilled in the way they that they carry out their corrupt dealings. Because of this the Inspectorate has realized that it must utilize recent technological advancements to enhance the capacity of the institution in fighting corruption. The Inspectorate also strongly believes that until the community is fully empowered to demand accountability and integrity from public servants, the scourge will continue to escalate. By engaging the youth and community members in our initiatives we help our people to appreciate that corruption hurts them most and that they have the right to expect efficient and effective services from their leaders.

Annex 16: Zambia country paper - Commonwealth Africa long paper

COUNTRY PAPER FOR ZAMBIA – 2015

"ENGAGING CIVIL SOCIETY ORGANISATIONS AS PARTNERS IN THE FIGHT AGAINST CORRUPTION"

1.0   INTRODUCTION

The Anti-Corruption Commission (ACC) of Zambia was established in 1980 by an Act of Parliament. It is an autonomous Body currently existing under the Anti - Corruption Act number 3 of 2012 which is the principal law for preventing and combatting corruption in Zambia. The Commission has three (3) statutory functions, namely; to investigate and prosecute offences under the Act, to prevent corrupt practices in public and private bodies and, to educate the Public on the dangerous effects of corruption and foster public support.

Since its formation in 1982, the Commission has been engaging Civil Society Organsations (CSOs). However, the engagement has usually been on an ad-hoc basis.

2.0 BACKGROUND OF INNOVATIVE WORK TO ENGAGE CSOs IN ZAMBIA

In Zambia, there is a wide range of Civil Society Organisations that operate both at local and international level. These CSOs seek to address issues that range from health, education, HIV/AIDS, environment, gender, human rights and good governance. In many instances, the CSOs work together in partnerships and coalitions. They mainly collaborate in their efforts to effectively contribute towards the improvement of people's living standards.

In the year 2000, Anti-Corruption Commission of Zambia realized the importance and the need to be systematic if the engagement of CSO was to be effective. As such, a project fund known as *Civic Education and Corruption Prevention (CECP) Fund* was developed and its implementation commenced in the same year. This was with support from the international community through the Department for International Development (DFID) of the United Kingdom.

This project was aimed at achieving the following:

2.1 Equipping CSOs with accurate knowledge on the operations of the Commission and corruption issues;

2.2　Empowering the CSOs with competences relevant for disseminating anti-corruption messages;

2.3　Equipping CSOs with competences in designing and developing anti-corruption messages;

2.4　Improving and sustaining a working relationship between ACC-Zambia and CSOs;

2.5　Engaging CSOs to conduct sensitisation activities and research projects on behalf of the Commission; and

2.6　Expanding the coverage of the Commission's work in providing community education and advisory services on corruption especially in rural areas.

3.0 INNOVATION IMPLEMENTATION PROCESS

3.1　Review of CSO Involvement

After 10 years of engaging CSOs in the fight against corruption, it was prudent to review the exercise in order to be more focused, effective and efficient. In order to

achieve this, the Commission conducted an assessment of the project and came up with the following significant outcomes:

3.1.1   There was insufficient monitoring of the operations of the CSOs that were engaged;

3.1.2   Most CSOs that were engaged were not adhering to corporate governance practices such as transparency and accountability in the manner they were conducting their activities and in the way they were utilizing the funds;

3.1. 3   The Commission did not provide sufficient guidelines to enable the CSOs that were engaged to operate in harmony with the required standards; and

3.1. 4   There existed different formats and there was no uniformity in the way reports were being written and submitted by the engaged CSOs.

4.0   STEPS TAKEN TO ENHANCE EFFECTIVENESS OF THE INNOVATION

Having identified some of the major drawbacks in the engagement of CSOs in the fight against corruption, the Commission came up with some steps to enhance

effectiveness and efficiency of the CSO operations in fighting corruption. The following were some of the measures:

4.1 The name of the project fund was changed and was now called *Fund for Anti Corruption Campaign (FACC).* A partnership was entered into with the Department for International Development which emphasised the need to ensure that there was a systematic way of involving the CSOs in the fight against corruption.

4.2 Special training for CSOs was designed to enhance competences to conduct research and sensitisation activities.

4.3 Legal contracts were designed for signing by the Commission and the individual CSOs that were engaged.

4.4 Operational Guidelines were developed and availed to all CSOs identified to work with the Commission.

4.5 A framework for monitoring the work being done by individual CSOs under the contract was developed and implemented.

5.0   SOME ACTIVITIES UNDERTAKEN IN THE INNOVATION

A number of different of sensitisation activities were conducted by the CSOs that the Commission engaged. Some of the activities are;

5.1   Radio Programmes

5.2   Workshops and seminars

5.3   Inter-School debates

5.4   Training of Trainers

5.5   Production and distribution of IEC Materials

5.6   Public Rallies

5.7   Public Sensitisations before, during and after Elections

6.0   RESULTS OF THE INNOVATION

Since proper monitoring of the CSO activities was established in 2010, reliable information on the successes of engaging these partners was not available until then. As such, the following were the results recorded:

6.1   Increased awareness of corruption issues in the country especially in remote parts. This resulted in over 5 million people being reached between 2011 and 2014.

6.2   Increased engagement of and enhanced partnerships with CSOs. Since 2010, the Commission has engaged over 200 different CSOs.

7.0   OTHER EXPECTED RESULTS

The Commission hopes that once an empirical assessment of the involvement of the CSOs is conducted there will be more success that will be scored. Among successes expected are;

7.1 Improved levels of adherence to transparency and accountability in the expenditure of public resources.

7.2 Enhanced accessibility of the Commission by the public. The more sensitisation activities are conducted, the easier it will be for the general public to know the locations of the various offices of the Commission.

7.3 Increased reports of suspected cases of corruption from rural areas.

7.4 Enhanced public confidence in the operations of the Commission.

7.3 Improved corporate image of the Commission.

8.0 REFLECTIONS AND LESSONS LEARNT

During the period that the Commission engaged Civil Society Organisations, many

lessons were learnt. Among the prominent ones are the following:

8.1   The Commission has come to know which CSOs are reliable and worthy

to go into long term partnerships with in the 10 provinces of Zambia. It is

imperative to enter into long term partnerships with such CSOs in future.

8.2   There is need to develop competences among Commission staff in order to

broaden the scope of areas for partnerships with CSOs. For example,

Officers in the responsible department need to be trained in Public

Expenditure Tracking.

8.3   There is need to develop anti-corruption IEC materials by identifying the

drivers of corruption which would be informed by CSOs involvement with

the communities so as to generate materials that address the felt needs on the ground.

8.4   There is also need to closely monitor CSOs activities during contract execution so as to ensure that the agreed activities are being implemented. This will enable the Commission to also render the needed technical assistance.

9.0   CHALLENGES

Engaging CSOs as partners in the fight against corruption in Zambia has not been without challenges. The following are some of them:

9.1   *Insufficient funds* - The project has since its inception been mainly supported by the international community. As such the limited resources that have been made available cannot adequately cater for all the activities involved in engaging the CSOs like **capacity building**.

The limited resources also led to a **limited number of CSOs that were identified and engaged** by the Commission.

Monitoring of CSO activities was also limited because of the insufficient funds.

9.2   *Limited scope of areas of involvement* -due to inadequate competences on the part of Commission staff to train CSO members in Public Expenditure Tracking as well as monitor similar activities.

9.3   *Lack of Commitment to Anti-Corruption Issues by CSOs* – Most CSOs deal in a wide range of issues thereby having their attention divided among the many projects at hand. As such, the CSOs would not fully commit themselves to the fight against corruption especially in instances where funds for this project were not available.

9.4   *Non-Adherence to regulations of the Contract* – Some of the CSOs still flouted the rules of the project despite acquiring all the specific guidelines of the operations of the funds. Some CSOs would utilise project funds to pay for office rentals, buy facilities for transportation such as bicycles and purchase other office equipment. This is because such CSOs felt that it was opportunity for them to acquire such items which they had been lacking.

10.0 RECOMMENDATIONS

It is the hope of the Anti-Corruption Commission of Zambia that the relationship developed with CSOs can be used to propel the anti-corruption crusade in the country. Additionally, the current political will towards the fight against corruption should be fully utilised and the Commission needs to take advantage of every opportunity to further the strategic goal of attaining a significant reduction in the levels of corruption in the country.

Further, the operational autonomy of the Commission should be used to win the confidence of CSOs, other stakeholders and the general public in enlisting their support in fighting the scourge.

11.0 CONCLUSION

It is very evident that corruption is a global challenge which needs the efforts of all stakeholders. Partners such as CSOs are very important because they have unique skills and experiences that if properly utilised can effectively support the fight against corruption. For Zambia especially which is vast geographically, they are essential to reach places in which the Commission has no presence.

CSOs are also important drivers in the implementation of checks and balances, thereby promoting transparency and accountability in the utilisation of public resources. Therefore, continued engagement of CSOs can effectively contribute towards the achievement of good governance and national development for any country in Africa.

-ENDS-

Annex 17: CP1 - AU paper

The African Union and the Fight against Corruption in Africa: Accomplishments, the Challenges and Prospects[1].

Ikubaje John G.[2]

Synopsis

This paper traces the origin of corruption to the spiritual account of human evolution in relevant literatures and argues that corruption is not new but an ancient practice that has no respect for developing, developed and industrialized societies alike. It argues that the fight against corruption started first in some of the African Regional Economic Communities, particularly the ECOWAS and SADC but conclude that the Members of these regional Economic Communities does not necessarily have a better anti-corruption credentials than other AU Members from other African economic groupings. Thereafter, the piece chronicled the explanation and the challenges that influenced the African Union efforts in the fight against corruption and specified the different initiatives that the continental organizations embarked upon in the fight against the menace. It also highlights the accomplishment and the challenges of the African Union in the fight against corruption and other related offences in Member States. It also draws attention to possible remedies to the challenges identified against the effort of the African Union in the fight against corruption in Member States. In conclusion, the paper argues that if the ongoing trend of corruption in AU Member States is not forestall, the African Development Agenda 2063 may not yield the expected results.

Introduction: Corruption is both an ancient and a global phenomenon. It practice dates back to the ancient biblical evolutionary days in the "*Garden of Eden*" when corruption overturned and crippled the first social institution that God constituted on earth- the Garden of Eden (Genesis Chapter 2-3, Quran Chapter 7:22). Corruption is an ancient practice and a menace that has no respect for developing, developed and industrialized societies. Corrupt practices are well known by all matured adults but it has been very difficult to reach a global consensus on its definition and cure till date.

The word corruption gained prominence in development lexicon in late 1980s and early 1990s alongside other development concepts like the "good governance", "transparency and accountability and popular participation to mention but a few. In fact, the World Bank and other international Financial Institutions concluded that the Structural Adjustment Programme (SAP) failed in Africa due to bad governance including corrupt practices. Prior to the above period, different institutions and social settings call corruption different names. For example, the International Financial Institutions (IFIs) like the World Bank (WB) does not call it corruption in the past but "*project leakage and or project pilferage*"; these WB concepts were coined out as a result of its experiences of corrupt practices in some of its supported development projects across the globe. While there is no universally acceptable definition for corruption, as indicated above, nonetheless, all matured adults know what constitute corrupt practices (Inspector General of the Government of Uganda, 1989).

---

[1] Being a Presentation to the 5th Commonwealth Review Meeting of Heads of Anti-Corruption Agencies in Africa at Bahari Beach Hotel, Dar es Salaam, Tanzania, 25-29 May, 2015.

[2] He was a founding staff of the African Union Advisory Board on Corruption where he served as the pioneer Senior Governance Officer. He is currently with the Department of Political Affairs at the African Union Commission (AUC) coordinating the AUC work on anti-corruption and the governance cluster of the African Governance Architecture. He can be reached through jikubaje@gmail.com. The opinion expressed in this paper is strictly that of the author and by no means the African Union Commission.

The challenge of consensus building on the word corruption also brought along with it the problem of having a universally acceptable definition of the concept. Unfortunately, up till date, there is no globally acceptable definition for the menace. Different definer(s) describes it from their experiences and perspectives. Some development practitioners and researchers have also contended that the best way to define corruption is to look at it from its various manifestations; this school of thought argues that corruption could manifest in the form of bribery; greed; stealing, extortion, embezzlement and fraud and nepotism etc; Many scholars have also contended that corruption can be likened to the dreadful Acquired Immune Deficiency Syndromes (AIDS) virus that is difficult to heal but can be successfully prevented if the necessary steps are taken.[3] Despite these arguments on its definition, it is important to emphasize that some definitions of corruption have gained prominence in governance and development literatures globally, some of these include the Transparency International definition "abuse of entrusted authority for private gain" to that of Cliggard's definition of corruption as equals to monopoly plus discretion minus accountability (Monopoly (M) + Discretion (D) – Accountability (A)[4] among several others.

Our reference to the above two definitions does not make them the best as renown governance and development scholars have also descended on them pointing to their limitations. It is in the context of the above challenge that anti-corruption instrument like the United Nations Conventions against Corruption and the African Union Convention on Preventing and Combating Corruption does not provide a specific definition for corruption but we all know what it connote.

Corruption Fight in Africa: the Governments and RECs Experiences: Before I share the African Union experience in the fight against corruption, it is important to emphasize that there is hardly any of the African countries that has no institutional and legal frameworks against corrupt practices. The challenge, though, has always been implementation and political commitment. The national conviction against corruption prompted the sub-regional collaboration against its practice in Member States of the different Regional Economic Communities. Some of the African Regional Economic Communities (RECs), otherwise known as the building blocks of the African Union embraced first the fight against corruption before the African Union. The explanation for the late embracement of anti-corruption at the continental level is not unconnected with the fact that the promotion of democratic and good governance was not among the initial objective of the African Union when it was Organization for African Unity (OAU). The objectives of the then OAU was to amongst others eradicate all forms of colonialism from Africa, promote the unity and solidarity of Member States; promote and intensify their socio-economic and political integration, defend the sovereignty and territorial integrity of Member States and to jealously guide their political independence. Others include promotion of international co-operation and respect for the United Nations Charter and the Universal Declaration of Human Rights.

The transformation of the OAU to AU in 2000 brought along with it a significant paradigm shift in the work of the continental institution- the African Union (AU), which include promotion of democratic and good governance in Member States. The African continent has up to eight Regional Economic Communities (RECs) and Regional Mechanisms (RMs) that are duly recognized by the African Union AU. Significant numbers of these RECs now have one anti-corruption institutions and or programmes. The RECs and RMs on the continent include the Arab Maghreb Union (UMA); the Economic Community of Great Lakes

---

[3] See Odukanmi Olushola article on Corruption in Nigeria: An Incurable Disease? In *the Nigerian Voice, published* on 17 June 2013

[4] See "three levels of fighting corruption" in a paper delivered by Robert Klitgaard at the Carter Center Conference on Transparency for Growth in the America on the 3rd of May 1999.

countries (CEPGL); the East African Community (EAC); the Economic Community of West African States (ECOWAS); Southern Africa Development Community (SADC); Community of Sahel-Saharan States (CEN-SAD); Central African Economic and Monetary Community(CEMAC); Inter-Governmental Authority on Development (IGAD); Common Market for Eastern and Southern Africa (COMESA) and the Economic Community of Central African States (ECCAS).

Out of the above regional communities, reasonable numbers of them thus have substantive legal and institutional initiatives and programmes on anti-corruption for its members. The establishment of anti-corruption initiatives at the regional level was not unconnected with the argument of the international development and financial institutions like the World Bank and International Monetary Fund (IMF) that effective anti-corruption is an anti-dote to the failure of the Structural Adjustment Programmes (SAP) on the continent in 1980s. The Southern Africa Development Community (SADC) was the first Africa regional community to adopt a regional anti-corruption legal instrument in August 2001 known as the SADC Protocol on corruption. In addition to this, the South Africa region also has another anti-corruption body known as the Southern African Forum on Corruption (SAFAC), impressively, countries like Tanzania in East Africa is also a member of SAFAC and the East African Anti-Corruption Authorities (EAAACA).

Similarly, the Economic Community of West African States (ECOWAS) also found wisdom in regional anti-corruption initiative and came up with the ECOWAS protocol on corruption in December 2001. In addition to the ECOWAS protocol on corruption, it also established an anti-corruption institution known as Inter-Governmental Action Group against Money Laundering in West Africa (GIABA); it is the ECOWAS institution responsible for facilitating the adoption and implementation of Anti-Money Laundering (AML) and Counter-Financing of Terrorism (CFT) in West Africa. Comparatively speaking, in term of anti-corruption initiatives, both the Southern and the Western African regions have surpassed other regions on the continent, although this does not make all the countries in the two regions to be ahead of other countries on the continent in term of anti-corruption performances.

Rwanda and Botswana for example, are two countries among others on the continent that have demonstrated that a country can be above board on anti-corruption if it so desire to be. The East Africa Community has also been active strategizing against corruption in the region. The region has an association known as the East African Anti-Corruption Authorities (EAAACA). It also has a Protocol on Preventing and Combating Corruption. Other initiatives at the regional level include establishment of regional network of independent anti-corruption bodies.

The trends of Corruption on the continent and the role of the African Union on the Scourge: Although, corruption is a global phenomenon, its practices and effects on Africa is colossal. In 2014 for instance, the European Union Commission documented that corruption alone is estimated to cost the EU economy EUR 120 billion per year, just a little less than the annual budget of the European Union (European Commission, 2014). Similar corrupt practices also prevail in other continents like the America. The recent annual total bribe paid worldwide for example is estimated to be over US$1 trillion while the WB documented that corrupt public officials in developing countries receive between 20 and 40 billion dollars in bribe annually[5]. While other developed continents have the necessary capacity to absorb the shock(s) of corruption the same cannot be said of the Africa continent due to the low level of development. This among

---

[5] See the Concept Note for the 5th Commonwealth Review Meeting of Heads of Anti-Corruption Agencies in Africa held at Bahari Beach Hotel, Dar e Salaam, Tanzania on 25-29 May 2015.

other factors underscores the anti-corruption initiatives at the continental level by the RECs, the African Union, the Commonwealth of Nations and the United Nations respectively.

In 1990, as the cold war was coming to an end, the OAU recognized that the changes at the global political level would also impact on the continent and this would affect the state of democracy, governance, and the observance of human rights. This global trend impacted so many things on the continent, including the transformation of the OAU to AU in 2002 and eventually the AU anti-corruption efforts. In addition, in 2002, the African Union estimated that corruption costs African economies more than US$ 148 billion dollars each year. This figure represents 25% of Africa's GDP and increases the cost of goods by as much as 20 percent thereby deterring investment and inhibiting development. The scourge of corruption eventually reached an endemic proportions in many African countries, with consequences for deepening poverty and the continent being refer to as the most corrupt in the world. The Vision of the AU is "An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena" while the objectives of the African Union (AU) are; to promote democratic principles and institutions, promote and support citizens' popular participation and good governance on the continent. It was under this mandate and vision alongside other explanation above that the African Union found wisdom to promote anti-corruption programmes on the continent. In addition to the above explanations, as we would later discover below, there are other explanations as to why the AU decided to prioritize anti-corruption initiatives and adopt the AU Convention on Corruption in July 2003. Also, in 2004, the African Development Bank (ADB) estimated that, 50% of tax revenue and $30 billion in aid for Africa ended up in corruption[6]. In the same vein, the United Nations Economic Commission for Africa (UNECA)'s Governance Report I (AGR I), 2005, indicated that corruption is perceived as the most serious national problem next to poverty and unemployment on the continent.

The 2009 African Governance Report II (AGR II) confirmed that corruption is the single most important challenge to the eradication of poverty and creation of a predictable and favorable investment climate and general socio-economic development in Africa[7]. Aside from the above documentation on corruption, the menace has also affected negatively the different sectors in Africa of which the extractive industry and public sector are cases in point. This effect therefore makes corruption a critical clog in the wheel of socio-economic and political development in Africa. It was in the context of the above, and under its mandate to promote democracy, human rights, good governance and development on the Africa Continent that the AU decided to adopt a legal framework known as the African union Convention on Preventing and Combating Corruption to combat the menace.

Despite the adoption of the referenced framework corruption trend has not changed significantly in Africa till date. A recent report of the High Level Panel on Illicit Financial Flows from Africa by the AU and UNECA and led by H.E. Thabo Mbeki, former President of South Africa, reveals that the continent is annually losing more than $50 billion through illicit financial outflows, and corruption is one of the facilitating factors for these outflows alongside weak governance capacity (AU/ECA, 2015). The explanation for the above is linked to weak national anti-corruption institutions. The AU, the Regional Economic Communities and the AU Member States have developed commendable regulatory instruments in their efforts to combat corruption but the challenge remains commitment to norms implementation at the national level.

---

[6] *See the report of the Governance and the Fight against Corruption in Africa organized by UNECA from 9-10, December 2009.*
[7] *See, UNECA, African Governance Report, (AGR I), 2005. Addis Ababa, Ethiopia. P.148 and African Governance Report (AGR II), 2009. Oxford: Oxford University Press.*

In addition to the Convention, the AU had adopted the NEPAD document, which set up a coordinating mechanism to effectively combat corruption. Also, the Union initiated an anti-corruption blueprint for fighting corruption under its NEPAD Action Plan. The Political Governance component of the African Peer Review Mechanism has been the auspice where corrupt practices has been examined and evaluated. Solutions on how to combat corruption in countries that have signed up to APRM are provided for in the various APRM reports. It is important to indicate that the NEPAD/APRM has been doing great work on corruption in terms of findings and recommendations on how to tackle the scourge. Unfortunately, implementation of APRM recommendations has been a great challenge.

In addition, the Department of Political Affairs of the African Union Commission also has the mandate to promote democratic governance on the continent. The Department is the Secretariat of the African Governance Architecture (AGA). AGA is the African Union Mechanism for promoting democratic and good governance in Africa. AGA also has a Platform that bring together the African Union Organs with mandate on governance and the RECs together including the Advisory Board on Corruption, the NEPAD and the APRM to work together.

The African Governance Architecture has the following five Clusters under which the African governance project is being spearheaded.

1. Democracy and Election
2. Human Rights and Transitional Justice
3. Constitutionalism and Rule of Law
4. Humanitarian, Refugees and Displacement, and
5. Governance

The activities of the Governance cluster include promoting effective and efficient public service in Member States, deepening decentralization and promoting good local governance, promoting good governance in natural resource management in Member States and campaigning against corruption and illicit financial outflow from Member States. The Governance Cluster also manages the Secretariat of the African Union Specialized Technical Sub-Committee on Public Service and Administration. The AU-STC sub-committee on Public Service and Administration has Anti-Corruption Champions among the AU Member states. The Sub-Committee developed and adopted a continental Anti-Corruption Strategy for Public Sector Governance. The Commission is currently promoting implementation of the Strategy among Member States. The African Union Commission has also been working with the African Association of Anti-Corruption Bodies. The Department of political Affairs is currently facilitating the signing of Memorandum of Understanding between the body and the African Union Advisory Board on Corruption.

African Agenda 2063, the Civil Society and the fight against Corruption: It has been documented that corruption was a major impediment to the achievement of the MDGs on the continent. (Cockcroft, L. 2012). It is therefore obvious that if corruption is not dealt with in Africa, the Africa Development Agenda 2063 may not yield the expected results. The recognition of the significant role of the civil society on good governance and development made the then Organisation of African Unity (OAU) and other key stakeholders to organise a five-day continental conference in Arusha, Tanzania from 12 to 16 February 1990. This collaborative meeting of African governments, the civil society, and the United Nations led to the adoption of the African Charter for Popular Participation in Development and Transformation in February 1990. The Charter affirms that African nations cannot be built without the popular support and full participation of the people, or can the economic crisis be resolved and the human and economic conditions improved without

the full and effective contribution, creativity and popular enthusiasm of the vast majority of the people. The Charter emphasizes the crucial role of citizens (Africans) participation in development agenda processes-formulation, implementation and implementation. The Charter also underscores the role of the civil society in good governance and development at national, regional and continental levels.

A decade after the enactment of the Charter, three conferences were organised to develop a collaborative framework between the African civil society and the AU in Addis Ababa, Ethiopia in June 2001, June 2002, and June 2004[8]. According to Mr. Amara Essy, the then Secretary General of the OAU, The convocation of the second conference, the day before the launch of the African Union, underscores the determination of the OAU/AU to adapt to the evolving world environment and the growing role and legitimacy of civil society.[9] These conferences gave birth to the African Union Economic, Social and Cultural Council (ECOSOCC) from 27-30 March 2005. The aim of the Council is to promote active civil society participation in African Union processes. The platform is made up of several civil society organisations across Africa and its role is to influence African Union policies and programmes. The Platform has a Secretariat at the African Union headquarters known as the African Citizens Directorate (CIDO)[10]. It is important to emphasise that the AU-ECOSOCC is meant to influence positively the African Union policies and programmes including the fight against corruption in Africa.

In addition to the above institutional framework, African Union has also put in place several normative frameworks to promote the African civil society involvement in good governance and development programmes in all the African Union Member States. Some of these include article 4 of the African Union Constitutive Act which provides for the participation of the African peoples in the activities of the African Union itself.   Others include article 12 of the African Charter on the Values and Principles of Decentralization, Local Governance and Local Development; article 13 of the African Charter on Human and Peoples' Rights, article 3 of the African Charter on Democracy, Elections and Governance; article11 and 12 of the African Union Convention on Preventing and Combating Corruption, article 5 of the African Union Charter on the Values and Principles of Public Service and Administration etc. Considering the fact that the role of the civil society organisations is critical to the AU Development Agenda 2063, is important for the African Union and its Member States to broaden their collaboration on the project to include all the critical non-state actors. It is on the basis on the foregoing that the African Union Commission is working to facilitate the establishment of the continental network of non-state actors against corruption in Africa.

The Establishment of the African Union Advisory Board on Corruption: The African Union Convention on Preventing and Combating Corruption was adopted in 2003 and it came to force in 2006. Section 22 of the Convention provides for a follow up mechanism to the Convention. It provides for an establishment of the African Union Advisory Board on Corruption. The Board is an autonomous organ established within the African Union. The Secretariat of the Board is in Arusha Tanzania. The main mandate of the Board is to promote and encourage the adoption of measures and actions by States parties to prevent, detect, punish and eradicate corruption and related offences and to follow-up on the application of the measures specifies in the Convention.

---

[8] See Francoise Nduwimana on African Civil Society: Prospects for Raising Awareness on Priority Issues published by Partnership Africa, Canada in 2004

[9] See the Opening Speech delivered by Amara Essy, Secretary General of the OAU at the second OAU/AU conference on civil society, Addis Ababa, June 11, 2002.

[10] The African civil society organisations felt that the space provided by the ECOSOCC was not adequate and this led to an alternative platform known as Centre for Citizens Participation in African Union (CCP-AU). The Centre has been doing excellently well to influence the African Union policies and programmes.

The Roles of the African Union Advisory Board on Corruption:

Article 22(5) of the AU Convention on Preventing and Combating Corruption provides as follows, members of the Board are

a) To promote and encourage adoption and application of anti-corruption measures on the continent;
b) To collect and document information on the nature and scope of corruption and related offences in Africa;
c) To develop methodologies for analyzing the nature and extent of corruption in Africa, and disseminate information and sensitize the public on the negative effects of corruption and related offences;
d) To advise governments on how to deal with the scourge of corruption and related offences in their domestic jurisdictions;
e) To collect information and analyze the conduct and behavior of multi-national corporations operating in Africa and disseminate such information to national authorities designated under Article 18 (1) hereof;
f) To develop and promote the adoption of harmonized codes of conduct of public officials;
g) To build partnerships with the African Commission on Human and Peoples' Rights, African Civil Society, governmental, Intergovernmental and non-governmental organizations to facilitate dialogue in the fight against corruption and related offences;
h) To submit a report to Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of this Convention;
i) To perform any other task relating to corruption and related offences that may be assigned to it by the policy organs of the African Union.

The African Union has elected three set of Members to the Board till date. The first AU-ABC was appointed for the period 2009-2011 by the 14th Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, from 29th to 30th January 2009 (Doc. EX.CL/Dec.425 (XIV).The newly elected members were sworn in this month on 4th May 2015 in Arusha, Tanzania.

Programmes of the African Union Advisory Board on Corruption:

I. Support to the implementation of the Convention: The aim of this activity is to collect and document information on the nature and scope of corruption and related offences in Africa. One of the Board's most important functions is to collect and document information on the scope of corruption and related offences in Africa in order to track the scope of corruption in Africa, and develop strategies in preventing and combating corruption. The Board has made some preliminary progress in an effort to collect and document information through the Baseline Questionnaire that was developed and sent to State Parties to the Convention. The response of the State Parties which returned the Baseline Questionnaire revealed that a lot remains to be done in order to fully implement the Convention. The majority of State Parties have failed to implement the AUCPCC in terms of adoption of legislative and other measures to ensure that the proceeds of illegal and corrupt practices are not used to fund political parties, the incorporation of the principle of transparency into funding of political parties and the declaration of assets by public officials.

II. Awareness Creation on the Convention and Visibility of the Board: The intention of this intervention is to embark on impactful advocacy missions to AU Member States. Advocacy missions assisted the Board in assessing the challenges and opportunities countries encountered in implementing the Convention and

find out ways of channeling its support. Through such missions, the Board conducted in-depth interviews with various stakeholders in the concerned States Parties (government officials, national anti-corruption authorities, private sector, media and civil society organizations). Furthermore, advocacy missions allowed the Board to follow up the answers given in the baseline questionnaire it administered and encourage those countries which did not fill out and return the questionnaire. Thus, advocacy missions are means of securing vital, reliable and up to date information on the activities of Member States in preventing and combating corruption and critical to the development of its progress report.

III. Building partnerships. A significant numbers of actors are already involved in the fight against corruption in Africa, with specific fields of expertise and pertinent experiences. The aim of this programme is to enable the Board to take stock of the existing initiatives and base on partnerships to show value added results. The main objective of this intervention is the consolidation of partnerships with stakeholders involvement in the fight against corruption in Africa.

IV: Organizational efficiency of the Board and Monitoring and Evaluation The achievement of the Board's mission is only possible if this body is a functioning and performing organization, hence this strategic axis on the efficiency of the Board as an institution. In addition, the Board shall be in a position to follow up the activities and impacts of the fight against corruption at continental, sub-regional and national levels. The key objectives here are:

- The establishment of functional and efficient secretariat,
- The mobilization and securing of financial resources for the functioning of the Board and implementation of projects,
- The optimization of the efficiency of Board members during their mandate, in order to address the relatively short mandate of Board members and ensure continuity between different mandates.
- The systematization of the planning, monitoring and evaluation mechanism of the Board,
- The capitalization of information on the progress made in the implementation of the Convention by all stakeholders.

Accomplishments:

1. Reporting to the AU Organs on the state of corruption in Member States and implementation of the Convention in some of the countries that have ratified the Convention
2. One of the accomplishments of the Board was the adoption of the Strategic Plan for 2011 – 2015, which was initiated by the first Board. The draft strategic plan was presented and discussed in the validation workshop organized in March 2011 and later adopted in October 2011 during its 9th ordinary Session.
3. Publications of relevant document in support of the fight against corruption in Africa, e.g A Model Anti-Corruption Law for AU Member states
4. Collaboration with the African Association on Independent Anti-Corruption Bodies for its resuscitation
5. The AU has developed a code of ethics and conduct and anti-harassment policy for its staff and consultants, the document is under consideration for adoption

6. The AU has also drafted an anti-fraud and corruption policy in 2014 for its staff and consultants

Challenges of the African Union in the fights against Corruption: Only 34 out of the 54 AU Member States that adopted the Convention in 2003 have ratified the Convention. Majority of the fewer AU Member States that ratified the Convention have not domesticated it to enforce or give it legal effect in their states. Only Republic of Tanzania has communicated to the Chairperson of the Commission the designation of a national authority or agency in application of offences established under Article 4 (1) of the Convention, in violation of Article 20 (1)-(2) of the Convention; Members of the Board are elected on part time basis with four statutory meetings per year. The Secretariat of the Board lack sufficient human, material and financial resources to carry out its mandate. The Board faces financial constraints as it receives nominal amount of funding from Member States. The contribution from Members States to the finances of the Board has been between the ranges of US$500-650 thousand USD per annum for operational budget. The Board secured additional funding from development partners, mainly SIDA and there is a current challenge with the SIDA funding. The implication of excessive dependence on international development partners in fighting corruption in Africa is unwholesome.

In addition, the AUABC lack visibility and the requisite information on the state of corruption and its impact on development in Africa. Most States Parties have failed to ratify and domesticate the Convention and related critical instruments such as the African Charter on Democracy, Elections and Governance and the Protocol establishing the African Court of Justice and Human Rights, especially in those common law countries which require to pass legislation incorporating ratified instruments into domestic laws; they have also failed to implement the Convention even though they have ratified or accessed to and domesticated it. Virtually all State Parties that returned the Baseline Questionnaire to the Secretariat of the AU Board on Corruption recognised through their answers that they were yet to fully implement the Convention but not much has been done by these countries.

Unfortunately the African Union Advisory Board on Corruption that was charged with the responsibility to fight corruption was itself enmeshed in corruption menace (Embassy of Sweden, Ethiopia (2013). This unsavoury experience made the African Union Policy making organs to descend heavily on the Board and came up with stringent decision to reposition the Board and to come up with internal mechanisms to guide against corrupt practices in relevant African Union organs (African Union Executive Council Decision, 2015).

The Way Forward: Activities of the AUABC should go beyond Board meetings where mostly management of the Secretariat and Board meetings are discussed. If the Board is to make meaningful impacts, Members of the Board should be appointed on full time basis and more resources should be at the disposal of the Board to carry out its assignments.

There is an urgent need for all the AU organs with mandate on anti-corruption to work together under the AGA Governance Cluster to jointly develop a common anti-corruption strategy for Africa.

Partnership between the AU Board on Corruption and the African Association of Independent Anti-Corruption Bodies, the regional Association of Independent Anti-Corruption Bodies and the Commonwealth Centre on anti-corruption is critical.

The AU Member States should prioritise the funding of the Board programmes and activities of the Board and should not leave the funding in the hands of foreign development partners.

The AU Convention provides for the civil society and the private sector in the fight against corruption, all the AU organs with mandate on anti-corruption should team up for the establishment of the African network of Non State actors Against Corruption in Africa to compliment the effort of the AU-ABC in the fight against corruption in Africa.

Professional and competent officials with integrity credential should be recruited to the Secretariat of the AU Board on Corruption; Member States of the AU should henceforth prioritise domestication and implementation of the AU Convention on Corruption.

References:

Akere Muna (2005) Understanding the African Union Convention on Preventing and Combating Corruption and Related Offences-(Third Edition), Pub: Transparency International, Berlin Germany

AU/ECA, (2015), "Report of the High Level Panel on Illicit Financial Flows from Africa", Pub: Economic Commission for Africa, Addis Ababa, Ethiopia;

Cockcroft, L. (2012), "Global Corruption: Money, Power and Ethics in the Modern World", Pub: I.B. Tauris, London.

Embassy of Sweden, Ethiopia (2013), "Report on the special review of the African Union Advisory Board on Corruption (AU ABC) with respect to the project, "Swedish Support to AU-ABC 2013" for the year ended 31 December 2013.

European Commission, (2014), Report from the Commission on EU Corruption Report to the Council and the European Parliament;

African Union Executive Council (2015) Decision on the African Union Advisory Board on Corruption - Doc.EX.CL/879(XXVI),January, 2015.

Ikubaje G. John (2014)."Democracy and Anti-Corruption Policies in Africa"; *the Ugandan Journal of Management and Public Policy Studies, Vol. 6*

Inspector-General of Uganda (1989), "Corruption and Mismanagement in Government," (on Uganda's Economy); Conference on corruption held in Kampala, Uganda, 12-16 December, 1989.

Report of the African Union Advisory Board on Corruption to the AU June 2012 Summit

Robinson, M. (2002), Corruption and Development, Pub: Frank Cass, UK

Annex 18: CP2 -Tanzania presentation, Ken Brander

Commonwealth Secretariat Policy and Procedure Benchmarking Tool for African Commonwealth Anti-Corruption Agencies

5th Commonwealth Review Meeting
Heads of Anti-Corruption Agencies
Dar es Salem, Tanzania
2015 May 25-29

Ken Brander

Roger's Question: How do we measure corruption and our impact upon it?

Methods such as:

▸ Citizen surveys,

▸ Perception indexes,

▸ Measuring capital fight, and

▸ ACA outputs such as workload and performance analysis.

Each have short comings:

▸ Lack of standardization,

▸ Irrelevant metrics (you are what you measure),

▸ Much of the research comes from those positioned OUTSIDE of law enforcement lens.

Finding the Right Lens to Measure Success

My first thought was to shift our view towards the investigators and managers of the ACAs and through their lens ask the questions:

▸ How has my ACA been structured? Have I been given the proper tools for success? Is my ACA constructed and managed to make an significant impact on corruption?

▸ Inputs have a direct bearing on outputs.

▸ Measure inputs in addition to outputs.

Undeniable Truths of Anti-Corruption Work

▸ Inevitably an investigator and a supervisor are going to have to conduct an investigation.

▸ Inevitably a prosecutor is going to rely on that investigation to argue the accused's guilt.

▸ The investigation, not the accused, is on trial.

▸ It is very difficult for the prosecutor to recover from a fatal flaw in the investigation (loss of continuity, missing exhibits, failure to disclose).

▸ "The corrupt will always fight back." *Dr. Hoseah*

How Firm is My ACA's Foundation?

Not Under My Control:

▸ Political independence and support of my ACA.

▸ Budget and finance support extended to my ACA.

▸ Manpower allocation of my ACA.

Under My Control:

▸ Strong leadership.

▸ Robust policies and procedures that foster successful conclusions to our investigations.

Social Proof…Why Policies and Procedures Matter.

Research shows that:

▸ In uncertain situations, our tendency is to look around to others for clues to see how they are responding.

▸ We accept their actions as the correct way to respond.

▸ But, those others are also uncertain and also looking around for direction.

▸ Meanwhile our risks mount.

▸ Research also shows that when people are sure of their responsibilities they are exceedingly responsive.

▸ Compliance becomes infectious.

Uncertainty

Applied to an ACA, unclear, absent, and casual policies and procedures lead to uncertainty and inconsistencies which:

▸ Adversely affect our investigations,
▸ Promotes individual interpretation,
▸ Undermines morale, authority, and leadership, and
▸ Detracts from potential effectiveness of the ACA and its members (inconsistent and opaque policies created unproductive employees) .

Policy and Procedure

▸ Frame the organizational structure and operational activities of an ACA.
▸ Provide direction, consistency, transparency, and accountability.
▸ Alert ACA members and public of the ACA's expectations and standards of performance.
▸ Promote effective governance and foster compliance.
▸ Immediate result is consistent, high quality performance that yields robust investigations with greater likelihood of successful prosecutions and asset forfeitures.

Consistent Rules Promote Excellence

Our Proposal Is…..

Develop a diagnostic benchmarking tool and survey exercise to identify gaps and best practices in the policy and procedure frameworks of African Commonwealth ACAs.

Three distinct components:

▸ Policy and Procedure Benchmarking Tool
▸ Survey Exercise
▸ Policy and Procedure Library

Our Assumptions Starting Out

▸ Every organization can improve.
▸ Every organization wants to improve.
▸ No single organization has it all figured out.
▸ Collaboration is a resource multiplier.
▸ Our situations may be unique but we share much.
▸ Everyone is a teacher and everyone is a student.
▸ African Commonwealth ACAs are committed to working together.

Project will:

▸ Develop a questionnaire that examines 25 key policy and procedure inputs (June),
▸ Collaborate with ACAs to conduct the survey through on-site visits and peer review (Jul-Aug-Sept),
▸ Collect and analyze documents and results (Aug-Sept),
▸ Provide feedback to participating participating ACAs (Oct),
▸ Utilize results to guide Commonwealth and domestic anti-corruption strategies moving forward.

Project will not:

- Rank ACAs against each other. This is *not* one of our goals. This is a benchmark exercise, not a competition.
- Prescribe specific policies and procedures. This is too restrictive and does not take into account individual characteristics, circumstances, and mandates of African Commonwealth ACAs. Rather, these policies and procedures identify "what" not "how".
- Rather, the project will describe policy goals, objectives, and standards that an ACA ought to have in order to maximize efficiencies and effectiveness yet ensure adequate flexibility for custom design. For example: organizational chart.

Sources of Influence for Policy Inputs

- Commission on the Accreditation of Law Enforcement Agencies (CALEA).
- Province of Alberta Policing Standards Manual.
- Association of Certified Fraud Examiners (ACFE).
- Association of Certified Anti-Money Laundering Specialists (ACAMS).
- Transparency International.
- Example/Experience (Good and Poor) North American, African, and Afghan Police and ACAs.

Twenty Five Policy and Procedure Inputs

Arranged into four themes:

Theme #1 Organizational Management

1. Code of Ethics
2. Guidance on Gifts and Benefits
3. Procurement Procedures
4. Organizational Chart, Chain of Command, Job Descriptions, Roles, and Responsibilities

Twenty Five Policy and Procedure Inputs

Theme #2 Personnel Administration

5. Formal and Informal Discipline
6. Merit-Based Hiring, Transfer, and Promotion
7. Continuous Vetting of ACA Members
8. Protection for Whistleblowers
9. Periodic Formalized Performance Reviews
10. Supervisory Leadership and Responsibilities

Twenty Five Policy and Procedure Inputs

Theme #3 Investigations and Operations

11. Case Management and Investigations
12. Handling Confidential Human Sources and Informants
13. Judicial Authorizations
14. Evidence Handling
15. Mutual Legal Assistance
16. Seizing and Managing Proceeds of Crime
17. Suspect and Witness Interviews

Twenty Five Policy and Procedure Inputs

Theme #3 Investigations and Operations

18. Prisoner Handling and Prisoner Interviews
19. Surveillance Operations
20. Disclosure
21. Report Writing
22. Periodic File Review

Twenty Five Policy and Procedure Inputs

Theme #4 Support Services

23. Training (Legal Studies)
24. Equipment
25. Intelligence Analysis

Example

▸ OM2 Guidance on Gifts and Benefits

How Will This Project be Executed?

Upon approval

Step #1:   Develop and Deliver Questionnaire

Step #2:   On-Site Visits of ACAs by Surveyors

Step #3:   Analysis of Data/Samples

Step #4:   Individual Report of Results to ACAs and Final Report to Commonwealth Secretariat.

What Are The Expectations For Participating ACAs?

▸ Host a survey team member.
▸ Provide open and candid responses.
▸ Provide copies of written policies and procedures where applicable and possible (develop a best practices library).
▸ Provide input to survey team; self-identify gaps not included in this survey.
▸ Acknowledge receipt of feedback at the conclusion of the project.

Sounds Okay…But What's In It For Us?

Have an independent peer review of your ACA's policy and procedure framework to:

▸ Identify and remediate policy and procedure gaps (few or many… you still look good).
▸ Improve your strategic planning, budget priorities, and funding options.
▸ Increase the efficiency and effectiveness of your ACA.
▸ Demonstrate public and corporate commitment to accountability, transparency, the progressive professionalization of your ACA.

"Nobody is as good or as bad as the critics say they are."   Carey Price

Theodore Roosevelt (1910) The Man in the Arena

- It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.

Who Was It That Said.......

"Strong internal controls and accountability mechanisms play an important role in preserving the integrity and protecting anti-corruption agencies from being subverted or discredited".

Dr. Roger Koranteng 2015 May 25

DropBox

Ken Brander
President and Principal Consultant
Clarium Fraud and Compliance Solutions Ltd.

www.clariumfcs.com

ken@clariumfcs.com

Annex 19: CP3 - Dominica presentation, Julian Johnson

ANTI-CORRUPTION EFFORTS IN THE COMMONWEALTH CARIBBEAN

Notes for Presentation

by

Julian N. Johnson

Chairman, Integrity Commission

Dominica

5th Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa

Dar es Salaam,
Tanzania,
25th – 29th May 2015

ANTI-CORRUPTION EFFORTS IN THE COMMONWEALTH CARIBBEAN

Notes for Presentation
by
Julian N. Johnson – Chairman, Integrity Commission, Dominica
5th Commonwealth Regional Conference for Heads of Anti-Corruption Agencies
in Africa
Dar es Salaam, Tanzania, 25th – 29th May 2015

1.   Introduction

I thank the CFTC and the Commonwealth Secretariat for inviting me to this important meeting and for paying the costs of my attendance, in substantial part. I must also recognise the work and efforts of Dr. Roger Koranteng, Governance Advisor to the Commonwealth Secretariat and publicly thank him for his great contribution to better governance and for his assistance in confronting the challenges of anti-corruption administration in the very small states of the Commonwealth including the Commonwealth Caribbean. I have come here to learn how your collaboration is helping the African region to strengthen its legal regime and institutional capacity in the fight against corruption.

2.   The Commonwealth Caribbean

(i)   Geographical Area

From Belize in Central America to Guyana in South America and includes – Trinidad and Tobago, Grenada, St. Vincent and the Grenadines, Barbados, St. Lucia, Dominica, Antigua, St. Kitts and Nevis, Jamaica, Bahamas and the Territories of Montserrat, British Virgin Islands, Cayman Islands, Bermuda and the Turks and Caicos Islands.

(ii)   Sociology/political economy and public administration of Very Small States

(a) In a socially small society the personalised and multiplex nature of human relationship makes it extremely difficult for partiality to be absent. In these states it is impractical to separate personality from function. It is difficult to maintain anonymity. All members of the public are a kind of extended family; network of influence extend everywhere. Public officials have to operate professionally within a hierarchy of people with whom they are unavoidably personally acquainted, related, or otherwise connected in a nonwork environment[1].

(b) A substantive feature of the political system is what the late Prof. Carl Stone has characterised as "patron-clientelism", that is, the exchange of economic and social favours to a poor and socially fragmented population in return for party support. Leaders harness the state as a resource from which to establish a power structure that competes with and parallels the power structure rooted in the ownership of the forces of production, distribution and exchange. This has caused the ascendency of the "political kingdom" to be almost complete.[2]

(c) The ubiquity of politics and "it's our own turn to eat" mentality. "In a small island of 50,000-100,000 people, dominated by a single political party it is very difficult to prevent political abuse. Everybody depends on the government for something, however small, so that most are reluctant to offend it. The civil servant lives in fear, police avoid unpleasantries, the trade unions are tied to the party, and the newspaper depends on government for advertisements and so on."[3]

It is in this environment that the integrity commissions and other anti-corruption bodies in the very small states of the Commonwealth Caribbean are required to exercise jurisdiction over elected and appointed executive, members of Parliament, heads of departments of government and other senior public and police officers, managing directors and chairmen of statutory corporations who are included in the list of "persons in public life" in the respective legislation.

---

[1] "Public Administration in Small Islands States", Randal Baker pp. 17-18
[2] "Democracy and Clientelism in Jamaica", Carl Stone pp. 91-101, passim
[3] "Agony of the Little Eight", Sir Arthur Lewis, 1965

3. **The Existing Anti-Corruption Initiatives in the Commonwealth Caribbean** –
There are three broad categories of anti-corruption legislation:

(i)   Those that have codified the criminal law and have reproduced in their codes the common law rules on bribery and misconduct in public office – Belize (Criminal Code, Rev. ed. 2000 – Chapter 101) and Bahamas (Penal Code 1873 – Chapter 84)

(ii)   Those that have replication of the late 19th century and early 20th century UK anti-corruption legislation:

Bahamas (Prevention of Bribery Act 1976); Barbados (Prevention of Corruption Act 1927, Chapter 144); and Belize (Prevention of Corruption Act 1927, Rev. Ed. 2000 Chapter 105).

(iii)   Those that have a series of modern legislation beginning in the 1970's with the Integrity in Public Life Legislation and including initiatives promoted by the Inter-American Convention Against Corruption:

Guyana – Integrity Commission Act 1997 (Cap 19.12); Trinidad and Tobago – Integrity in Public Life Act 2000, as amended; Antigua - Integrity in Public Life Act 2004 and Prevention of Corruption Act 2004; St. Lucia - Integrity in Public Life Act 2004; Dominica - Integrity in Public Life Act 2003; Jamaica – Parliament (Integrity of Members) Act 1973 and Contractor - General Act 1983 and Contractor - General (Amendment) Act 1999; Belize – Prevention of Corruption in Public Life Act 1994; Grenada – Integrity in Public Life Act 2004 and Prevention of Corruption Act 2007; and Montserrat - Integrity in Public Life Act 2000 [4]

4. **The Establishment and Functions of Integrity Commissions**

The new legislation in member states create new obligations for persons in public life:

---

[4] "Corruption: Law, Governance and Ethics in the Commonwealth Caribbean," Derrick V. Mckoy (2012) Chapter 3

(i)   to disclose their income, assets and liabilities; and

(ii)   to observe all statutory prohibitions prescribed for the purpose of establishing probity, integrity and accountability in public life.

The legislation also criminalizes the possession of unaccounted property or pecuniary resources disproportionate to one's legitimate sources of income, that is, illicit enrichment.

The legislation also establishes a Commission to administer its provisions which includes duties to receive, examine and inquire into the accuracy and fullness of the financial disclosures filed with the Commission. This investigation may be done by formal inquire made pursuant to the Commission of Inquiry legislation.

The Commission is empowered to receive and investigate complaints of non-compliance with the legislation generally including breaches of the Code of Conduct.

The Commission is also required to submit annual reports to Parliament on its activities through the responsible Minister.

5. **Issues and Challenges**
    a. Independence of the Commissions
        i. Express statutory provisions – Section 13 of Dominica's Integrity in Public Office Act 2003; security of tenure of members of the Commission for three (3) years – independent tribunal process for removal; [section 7 (1) (4) – (7)]
    b. Expenses of the Commissions – all expenses incurred for the purposes of the legislation are a charge to the Consolidated Fund after approval by the Minister for Finance 52(1) & (2).
    c. The Commission to keep proper accounts to be audited by Director of Audit or an auditor appointed by the President.
    d. The composition of the Commission, Secretary and Staff of the Commission – managing staff integrity and the issue of institutional loyalty; Commissions have no "carrots". Section 49 provides that – the

Commission "shall be provided with a staff <u>adequate for the prompt and efficient discharge</u> of its functions under the Act". But these shall be public officers "appointed by the Public Service Commission."

6. **Relations with the executive, constitutional ministerial responsibility and statutory operational independence (Dominica Constitution s. 61 with s.68, AG of Fiji v. DPP of Fiji [1983] 2 A.C. 672 and Mossell (Jamaica) Ltd. (t/a Digicel) v. Office of Utilities Regulations and Ors (Jamaica) [2010] UKPC (21st January, 2010))** – necessity for appropriate "arm's length relationship" with the Executive.   The Montserrat legislation mandates that the Commission shall be provided with its own "Secretary" who shall be "an employee of the Commission". The Governor has, however, appointed the "Secretary of the Public/Police Service Commission" as the Commission's Secretary!   Unresolved issue of Executive approval for travel by the Commission on the business of the Commission in Dominica.

   - Vagueness and ambiguity in the legislation – e.g. "head of department" (DOM)
   - Investigative powers – "Complaints" requiring formal complaint by identifiable individual, body corporate or body of persons; Commission not authorized to initiate such investigation suo motu or on complaint made through the mass media or other public fora, however persistent. (<u>Republic</u> v <u>First Track High Court, Accra, ex p. Commission on Human Rights and Administrative Justice</u> [2009] 1 LRC 44).

7. **Parliament Oversight.** Parliament must continue to demonstrate that it is an important stakeholder in enhancing the integrity and corruption prevention regime that it has enacted. [5]

8. **The Courts and "access to Justice"**: – delays in proceedings in judicial review matters concerning the Commission and its jurisdiction, its composition and membership.
   - Proceedings involving powerful high profile persons in public life. Head of Government; Head of State; Speaker of the Legislature; Leader of the

---

[5] "Oversight Bodies – Implementation of Integrity Legislation in Very Small Caribbean States," by Julian N. Johnson"
– Public Administration in Very Small States Conference, Marlborough House, London, Aril 23-24, 2013 pp 17-19

Opposition who are subject to the Commission's jurisdiction. Political power and the Rule of Law.

9. **<u>Conclusion</u>** – An explanation of the existence of corruption by Caribbean Jurist and former Contractor - General of Jamaica, Derrick Mc Koy who states that corruption arises in society:

(i) because public agents engaged to manage and administer public bureaucracies naturally seek to maximise their own welfare;

(ii) because the activities of these agents are not sufficiently transparent; and

(iii) because these agents are often in positions of <u>moral hazard</u> which arises in the public service when public agents can engage in corrupt activity with no real fear that any significant adverse consequences will follow."

He concludes on this point by stating that whichever explanation one adopts for the existence of corruption in society the success of the anti-corruption regime will depend on the consistent and certain application of sanctions to the anti-corruption acts. [6]

Hence the role of the Director of Public Prosecutions, who is empowered to institute criminal proceedings for breach of the provisions of the statute after considering reports from the Commission, looms large.

---

[6] Corruption: Law, Governance and Ethics in the Commonwealth Caribbean," Derrick V. McKoy (2012) p 2.

DOMINICA: IMPLEMENTATION OF
THE INTEGRITY IN PUBLIC OFFICE ACT
2008 – 2013

Year	No. of Persons in Public Life	No. of Persons who filed	No. of Persons who failed to file	No. of Persons who filed late	No. of Persons Gazetted	Compli-ance in percent-age (%)	No. of Queries sent	No. of Declara-tions Certified	No. of Cases charged by DPP	No. of cases prosecuted by DPP
Dec. 1 2008	119	102	17	17	17	86	78	107	0	
Dec. 31, 2008	136	96	40	15	40	66	58	94	2	
Dec. 31 2009	147	101	13	33	46	69	33	126	16	3
Dec. 31, 2010	159	152	1	6	7	96	28	151	7	0
Dec 31, 2011	164	158	4	2	6	96	14	159	6	0
Dec 31, 2012	155	137	15	3	18	88	40	135	18	0
Dec 31, 2013	157	136	15	6	21	87	23	141	21	0

JULIAN N. JOHNSON
Chairman, Integrity Commission, Dominica
Dar es Salaam, Tanzania
25th May, 2015

Annex 20: CP4 - Myths and Legends notes, Gary Walters

Gary Walters

<u>Presentation to the 5th Regional Commonwealth Heads of Anti-Corruption Agencies in Africa</u>

How perceptions have allowed the corrupt to maintain a distinct and effective advantage over those charged with preventing and detecting wrongdoing.

It is time for innovative and bold action to build a reliable foundation of data and intelligence upon which countries can design and implement complementary anti-corruption strategies.

"Everything we hear is an opinion, not a fact. Everything we see is a perspective, not the truth."

Marcus Aurelius (AD 121 – 180)

In preparing for this Conference I considered some of my experience in dealing with Civil Society and the very many different opinions held on how best to deal with corruption.

The words of Marcus Aurelius seem very apt for the conference as they go some way to explain the reasons why engagement can be difficult. We have our perspective and they have theirs.

So what forms their perception? The 'facts' as they see them to be. So what are the facts?

It seems to me that the truth as we understand it may not be the truth to the public. Perceptions appear to be more influential than facts and facts are often just opinions shouted out loud and often enough to become facts.

On a global basis the distance, physically and culturally, can lead to perceptions being completely wrong. Even when some people look at other countries I am sure they are also looking from the wrong end of the telescope.

In preparing to speak to you I examined the reasons for some of my own perspectives on corruption and found some "common knowledge" that I had believed to be based on sound research to be less knowledge than opinion.

I believe some issues are irrefutable.

Corruption is a global issue. No country is exempt from corruption or its damaging consequences.

Globalisation has resulted in increasing the opportunities for criminals to amass wealth though corrupt and related crimes with little risk of getting caught.

Why does globalisation increase opportunities and reduce the risk for criminals?

Increased globalisation economically and socially.

Criminals are not hindered by boundaries, jurisdictional politics or legislation.

Fractured Law Enforcement response – Domestically and Internationally.

I see this as true for all crime types but particularly true for economic crimes.

Investigations into kleptocracy clearly showed the global nature of the crime. Looted assets would move around the world at the press of a button as part of the criminal's efforts to launder the money. This made investigations long, complex and very expensive.

London was often at the heart of the money laundering. Why was that?

- The corrupt accumulate wealth and like to enjoy it (i.e. spend it).
- London is a great city, especially if you have money.
- London provides financial services and is as secure an environment to handle assets as one can find.

The laundering of proceeds obviously takes place in other places and I have seen trends whereby places fall in and out of favour.

How can ACA's manage this international aspect of investigating corruption?

I would propose that consideration be given to co-ordinating efforts on an international task force basis.

- International Task Force
  - Centre of Excellence for investigation training and professional development
  - Support for complex investigations
  - Coordination centre for global investigations
  - Intelligence development
  - Gap analysis on stakeholder issues

Meanwhile one could consider sharing technical facilities to try and close the gap enjoyed by the criminals.

So what of Civil Society. What is it?

- Non Governmental Organisation (NGO)
- Civil Society Organisation (CSO)
- Civil Society
- Stakeholders
- The Electorate
- The General Public
- Opinion Formers

It comes in all forms and sizes. Many do some great work but their perspectives are often far off those of ACA's. If you can get closer engagement their perspectives can be changed dramatically.

Part of Civil Society is the media. They are increasingly present in all sorts of forms. I sometimes view them as the press and publicity department of Civil Society. Their views vary widely and change on a whim but they are a major influence on public perceptions.

One of the biggest challenges in dealings with Civil Society comes in the form of a constant question:

- Quis custodiet ipsos custodies?

Translated into English as, "Who watches the watchmen themselves?" or "Who guards the guards?"

Those engaged in corruption will manipulate the media to suit their ends and having experienced such behaviour I would ask that you take steps to protect the reputation of your ACA's and your staff by pre-empting this issue.

One technique for consideration is pro-active integrity testing of your own teams to ensure they are not corrupt. It is also a technique that could be used to test Government Departments.

- Pro-active integrity testing with rewards and publicity for depts./individuals that pass…
- Publicity of the activity will be advantageous whether positive result or offenders convicted and punished.

Dealing with Civil Society is vital but it is also fraught with challenges.

One risks getting caught between the Government and Civil Society. Unfortunately this creates a risk of getting caught in the crossfire.

If this is what we know then what are the myths?

Myth 1

- Dictators are looting billions of dollars from their countries and laundering the money in offshore havens.

Huge number are quoted on a regular basis as being looted from developing countries. These numbers are quoted in the media with the unfortunate consequence that public hopes and expectations are raised and the ACA's are then criticised when those hopes and expectations are dashed.

The huge numbers quoted are at best misleading and involve guesses on vague "losses" arising from poor contract terms and at worst they are simply made up.

What are other possible options for the "missing millions"?

- Obtaining and retaining power and influence costs money - including on cost.
- A corrupt leader breeds corruption beneath them – the total "missing" might be big but it is spread thinly.
- A corrupted system will be extremely inefficient so there are a lot of wasted resources.

These at least might explain why so little money is ever located and returned.

Failing to address this myth will result in ACA's repeatedly failing in the eyes of civil society.

What reinforces my view that the amounts stolen by way of corruption are smaller than so often quoted are some recent cases that detail the bribes paid. The amounts are relatively small.

In the Mabey case the bribes were set out in detail. The ones relating to bribery in Ghana were reported as:

- (former roads minister) £55,000
- (minister of works) £25,500
- (former deputy roads minister) £10,000
- (chairman inter-city transport corp) £10,000
- (health minister) £15,000

Very recently a businessman in Korea reportedly committed suicide when he was under investigation for corruption and he apparently left a list of bribes:

- 700 million won (US$639,971) to former Presidential Chief of Staff,
- 300 million won (US$274,273) to Incheon Mayor,
- 100 million won (US$91,424) to South Gyeongsang Province Governor,
- 200 million won (US$182,849) to Busan Mayor.
- 30 million Won ($27,390) to Prime Minister
- 200 million Won ($182,600) to a party lawmaker

I do not know the details of the investigations or the veracity of the allegations against any of the individuals but simply want to illustrate what to me appear to be relatively small amounts spread widely.

Accumulating billions would take a very long time.

Myth 2

- The creation and development of an Anti-Corruption Agency is the best way to tackle corruption.

Why did I believe this? Because that is what I heard from the World Bank and others. I also provided technical support and training to such agencies and could see so much good work being done – often under the most challenging circumstances.

Why am I now suggesting that this is a myth?
I have seen various reports which have tried to measure corruption. Studies that have tried to measure the effectiveness or otherwise of different strategies and tactics. They all seem remarkably inconclusive and certainly lack sufficient level of "science" to give the remotest degree of certainty.

Apparently less corrupt countries such as the UK and USA do not have their own Anti-Corruption Agencies – nobody I speak with appears to explain why they haven't. If donor countries (often the biggest supporters of the single agency principle) believe that a single agency is key and a positive thing to advocate and support why don't they have them?

Due to the above mentioned myth 1, i.e. millions is looted and stashed away, the public expectations are unrealistic and the ACA will fail in the eyes of the public.

What could be put in place instead?

- All Government departments should have an anti-corruption policy.
- Central co-ordinating intelligence led task force.
- Multi-jurisdictional intelligence centres to share learning and disseminate strategic products.

These would help prevent **all** the responsibility being placed on the ACA.

Secondments from various key stakeholders will improve communication and understanding. A knowledge centre is a resource available to all Government Departments. The task force could also provide investigative support (or undertake) major cases.

Regional hubs would provide additional strategic and global support. Having watched the latest round of removals from office of heads of ACA's it might be useful to have a regional option to support those individuals facing trying times and at the same time provide organisational continuity.

I fully support a jurisdictions right to make appointments (and removals) as it sees fit (within its laws) but a Regional (or global?) hub could be in a position to establish some degree of intelligence and evidence based independent assessment.

Myth 3

- PEPS are untouchable
  - Immunity from prosecution
  - Domestically (and Internationally) powerful
  - Lack of independent judiciary
  - Corruption is so hard to prove
  - Resources are limited (for the ACA)

This is not true but often said and so becomes the perception. The fact it is stated so often emboldens the corrupt and undermines ACA's.

This conference is themed on engaging with Civil Society. It is civil society that stands most chance of holding the most powerful and corrupt to account.

The Arab spring and Ukraine are just two examples where civil society found its voice.

What are other options that will undermine the myth?

- Anti - Money Laundering approach.
- Parallel investigations in other jurisdictions.
- Prevent illicit asset flow.
    - Accumulated wealth kept in country.
    - More visible and accountable to civil society.

I believe that investigating the money involved in corruption provides more strategic and tactical options than simply investigating the crime itself.

Myth 4

Prosecution and conviction is the aim of an investigation

The first aim of investigation is to do a professional investigation that will withstand scrutiny and challenge.

- Prosecution is only one potential beneficial outcome of an investigation.
    - Exposing false allegations
    - Developing intelligence
    - Identifying methodology
    - **Establishing the truth.**

One should not aim at prosecutions. There are other uses for the material gathered during an investigation such as Civil Actions, clearing the innocent, building intelligence, and establishing the truth.

What are the gaps that are created by the myths?

- Raises unrealistic hopes and expectations on the part of Civil Society
- Failure to convict and recover assets leads to criticism of ACA's and empowers the corrupt
- Fractures the trust between the West/North and the East/South

        –   Us and them divide absorbs time, energy and resources.

        –   Breakdowns in cooperation are exploited by the corrupt.

In relation to the myth that ACA's are the best solution I believe it provides a way of avoiding responsibility and accountability by putting it all in the hands of a few.

- Provides an opportunity for others to abrogate responsibility

        –   Resources of ACA's are limited

        –   Instead of being viewed as a centre of excellence and support ACA's are viewed as separate from both Government and civil society.

There is a need for more engagement with civil society in an effort to align the perspectives to make the efforts to combat corruption far more widespread and effective.

Annex 21: CP5 - World Bank ACAs lessons

EFFECTIVENESS OF ANTI-CORRUPTION AUTHORITIES (ACAS): SELECTED EMERGING LESSONS[1]

Francesca Recanatini

(World Bank)

This draft: November 2011

*"**Anti-Corruption Authority**: a permanent agency, unit or department established by a government that has the mandate of [..]prevention, public outreach and awareness raising, policy coordination, investigation and prosecution (Meagher, 2005)"*

1. Introduction

The increased focus by international organizations on the link between effective institutions, corruption and growth led to a mushrooming of international agreements in the 1990s focused on anti-corruption activities and bodies. The first international agreement to recommend the creation of Anti-Corruption Authorities (ACAs) was the OAS Inter-American Convention Against Corruption (IACAC) adopted in 1996. In Article III, Part 9 the IACAC asks states to consider:

> *9. Oversight bodies with a view to implementing modern mechanisms for preventing, detecting, punishing and eradicating corrupt acts.*

In 2001, the Southern African Development Community (SADC) adopted the Protocol Against Corruption that sets out in Article 4:

> *4....an obligation to create, maintain and strengthen institutions responsible for implementing mechanisms for preventing, detecting, punishing and eradicating corruption.*

This was followed by the African Union Convention on Preventing and Combating Corruption, adopted in July 2003 (which, however, has not yet come into force).[2] Despite the variety of regional instruments that has emerged since 1996, the UN Convention Against Corruption (UNCAC) – adopted in 2003 and ratified by more than 130 countries[3] http://www.unodc.org/unodc/en/treaties/CAC/signatories.html– is the most extensive one. First, article V, UNCAC requires ratifying states to:

> *1. ...ensure the existence of a body or bodies, as appropriate that prevent corruption by such means as:*
>
> > *(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies.*
> > *(b) Increasing and disseminating knowledge about the prevention of corruption.*
> *2....grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the*

---

[2] For an extensive discussion and review of these international standards, see OECD (2007).

[3] For a complete listing on participating countries, visit http://www.unodc.org/unodc/en/treaties/CAC/signatories.html

body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

3. …inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

Second, the UNCAC adds to the responsibilities of these ACAs in article 36:

Each State Party shall . . . ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

When drafted, the UNCAC reflected the prevailing wisdom that specialized ACAs could be the optimal mean to address rampant corruption (Pope, 1999; Doig, 1995 and 2009; Quah, 2010). Because of the broad focus of these international agreements, many of the new agencies encompassed a wide range of not fully defined functions, but they often functioned with limited resources and capacity and in an uncertain political environment.

The emergence of ACAs in European countries, though it followed a similar approach ("fight corruption by fighting corruption"), was influenced by other factors. In the late 1990s, anti-corruption measures began to be introduced in countries that are geographically located within the official boundaries of Europe under the pressure of international organizations such as the Council of Europe, OECD, the World Bank and most of all, the European Union. The EU Commission proposed principles for improving the fight against corruption for EU candidate countries and other third countries; requirements included the development and implementation of national anti-corruption strategies or programs covering both preventive and repressive measures; the ratification of relevant international instruments (UN, Council of Europe and OECD Conventions); the creation of competent and visible anti-corruption bodies; the development of investigative techniques and indicators (UNDP, 2010). Candidate states under the political pressure of the European Commission, eager to join the EU, implemented numerous legislative anti-corruption measures. As a consequence the Baltic countries, as well as other new EU members in Central Europe established many ACAs between the late 1990s and the mid-2000s.

Almost two decades later since the beginning of this recent wave of AC efforts, ACAs are however struggling to show a clear and significant impact on corruption and are generally not regarded as an effective policy tool in the fight against corruption.[4] Nevertheless, these institutions exist and operate in many countries. The question then becomes what makes ACAs an effective policy tool to address corruption, or, conversely, what are the factors that may help reinforce the ability of ACAs to resist efforts to undercut its effectiveness? A range of comparative studies has begun to provide the foundations for a more comprehensive framework to review ACA effectiveness, accountability and impact.[5] This note summarizes the results of new cross-country evidence on ACAs and provides some initial policy recommendations.

2. Initial Findings

---

[4] Doig, 2009; Hussmann, 2007; Huther and Shah, 2001.

[5] Meagher, 2005; Heilbrunn, 2004; Council of Europe, 2004; idem., 2005; UNDP, 2005; Doig et al., 2005.

2

The ACAs included in this study fulfill one or more of the four traditional anti-corruption functions: prevention, including education and public awareness (82 percent); investigation of corruption cases (78 percent); prosecution of corruption cases (58 percent); and policy, research and coordination (52 percent). The overall responsibility for the country's anti-corruption functions is often concentrated in a single, encompassing agency rather than shared among different agencies. When an ACA encompasses multiple functions, the law enforcement function tends to crowd out equally important work in the area of prevention, in terms of public perceptions of the role and effectiveness of ACAs and in the allocation of resources within agencies.

Whether the ACAs model follows a single or multi-agency model, ACAs have to coordinate with numerous public institutions across the range of their functions. Typically these will include institutions responsible for investigation and prosecution (where these functions are not internalized), the audit authority, the ombudsman, the financial intelligence unit, tax authorities, regulatory authorities, ministries and agencies across the public sector. Coordination is facilitated where the mandate and function of the ACA is laid out in enabling legislation and the ACA is empowered to enter into formal agreements with other public entities. Memoranda of understanding, commissions and other formal coordination arrangements facilitate the exchange of information and coordination at a strategic and operational level. Thus, while a clear mandate is the first condition toward the establishment of an effective ACA, an enabling legislation is the second one. Moreover, the mandate and functions of the ACA should be aligned with institutional and human capacity. Where these are out of line, ACAs should clearly define priorities between functions through business planning, explicitly laying out the trade-offs that ACA has made.

ACAs in low, middle and high income countries all report difficulties in attracting and retaining suitably qualified staff. This is partly a consequence of the shortage of suitably qualified individuals in the labor market; partly a result of the differentials between public and private sector pay; and partly a consequence of the risks and social pressures arising from the nature of anti-corruption work.

A few ACAs have put in place their own rules to ensure transparent and competitive recruitment and meritocratic promotion. A few have been able to put in place ACA-specific pay scales at higher rates

---

BOX 1: SUCCESSFULLY FOCUSING ON PREVENTION – THE CASE OF BRAZIL

The Office of the Comptroller General (CGU) is the internal audit unit and the anti-corruption agency of the Brazilian Federal government. Its main functions are prevention and investigation, through internal control activities, public audits, corrective and disciplinary measures, corruption prevention and coordinating ombudsman's activities. Since its establishment in 2001, CGU has launched several initiatives aimed at raising awareness and preventing corruption, including:

1. **Public Spending Observatory (ODP)** – ODP is a data-matching and tracking system designed to detect fraud and corruption. In 2008, CGU established ODP, a permanent intelligence unit that combines practical knowledge and experience of auditors with the use of advance tools of information technology to speedily process large volume of data. The main goal of the ODP is to assess fraud risk. Based on systematic information and periodic updates, the ODP provides CGU and other government agencies with information about the quantity and quality of public spending as well as with indications of corruption risk in public spending.

2. **Transparency portals** – aimed at providing information on resources applied by federal bodies, federal resources transferred to local governments and transactions on the federal government's Payment card.

3. **National Debarment List** – provides the list of firms currently debarred and temporarily suspended by the Government.

4. **Education for ethics and citizenship** – CGU launched an ethics education program now included in the national school curriculum. The program is expected to reach millions of citizens and create a long-term attitude change toward corruption.

5. **Eagle Eye on the Public Money Program** – focuses on education and access to information. In particular, it established the CGU's virtual school which includes course programs in: internal control; social control; social control of the government education program and public procurement and contracts. From 2004 to 2009 the virtual school has trained: 7,176 public officials, 8,305 counselors, 8,652 municipal leaderships, 8,709 teachers and students and 586 municipalities participated.

Source: CGU, 2010.

than other public agencies. Human resource constraints underline both the role of effective personnel management and investments in staff training.

A wide range of ACAs report severe financial constraints impacting on the agency's performance. In some cases, ACA budgets have been cut during high profile investigations; in others, limited budgets reflect a lack of political commitment. A few ACA's budgets are ring-fenced from the executive and the legislature adjustment by enabling legislation, ensuring greater independence and stability. More than half of the ACAs report using donor financing to carry out their functions. In LICs, donors contribute a substantial part of the agency budget raising concerns regarding sustainability and how agencies' priorities are determined.

The ACAs reviewed have either a single agency head or a commission, ranging from two to seven members. Most ACAs have arrangements in place to ensure that appointments meet basic qualification and integrity requirements. Most also seek to protect the independence of ACA leadership from political influence. Typically, ACA leadership is appointed for a specific term. Authority for the appointment may be vested in the executive, the legislature or the judiciary. In around one quarter of cases, the ACA leadership can only be dismissed by another branch of government. This separation of powers does mitigate political pressures on the ACA. However, these arrangements are not always effective. In several countries the institutional framework for ACAs have been altered by the executive and legislature during high-profile investigations, resulting in a change in leadership or restructuring of the organization with key functions transferred to other agencies.

Ideally, enabling legislation for ACAs should put in place safeguards to ensure

> **BOX 2. EVOLVING MANDATES – SIERRA LEONE AND RWANDA**
>
> **Sierra Leone's Anti-Corruption Commission** was established in 2000 with a mandate to prevent corruption and investigate allegations of corruption. Under this Act the ACA had no prosecutorial powers: all prosecutions were to be authorized by the Attorney General's office before going to trial. The ACC undertook a large number of investigations, but these did not result in successful prosecutions. When convictions were secured, these were typically overturned on appeal. Attempts to establish an independent Committee to review investigations and approve prosecution cases brought by the Commission were rejected as unconstitutional. The difficulty in securing convictions in corruption's cases was attributable to a wide range of factors and exacerbated by procedural disconnects between investigatory and prosecutorial agencies. Sierra Leone altered the mandate of the ACA through a new Anti-Corruption Act in 2008. The new Act grants prosecutorial powers to the ACC and establishes a prosecutorial unit for that purpose; it also establishes an Advisory Board on Corruption (made up of representatives of civil society). In 2009 the ACC handled 122 investigations. Of these, 11 cases resulted in convictions and 10 in cautions; 9 cases are still pending trial; 24 were closed for lack of evidence; the rest are ongoing. The ACC has also stepped up its prevention work. Although the Anti-Corruption program continues to face difficulties, the evolution of the ACA's mandate suggests the importance of creating an *enabling institutional and procedural environment* for anti-corruption efforts.
>
> The **Office of the Ombudsman of Rwanda** is a relatively unique institution that combines the traditional prerogatives of an ombudsman with the mission of an independent ACA. It both serves as the advocate of the citizenry of Rwanda to the government and monitors agencies of the government to promote improved governance and service delivery. As such, the Ombudsman's office holds regular community meetings in towns and regional centers throughout the country to receive comments and complaints about any government services. In response to these, the Ombudsman either contacts the relevant agency to facilitate a response to the complaint, or uses the comments for agency's reform. The Ombudsman's office also uses these complaints to help it identify potential instances of corruption and to perform preliminary investigations. The Parliament recently provided the Ombudsman's office with the power of "police judiciare", which entitles the Ombudsman to carry out preliminary criminal investigation. This has enabled the Office to expand its mandate beyond its policy advisory function. Subsequent to receiving the power of "police judiciare", the Ombudsman's office began lobbying for full prosecutorial powers as well, arguing that the Prosecutor General has neither the specialized expertise to handle corruption cases, nor the interest in pursuing cases not derived through normal police channels. This is a significant debate. On the one hand, the Ombudsman wishes to remain as independent as possible and to have as many tools at its disposal. On the other hand, granting prosecutorial powers to the Ombudsman's office may prompt other agencies to seek similar powers.
>
> Source: ACC and Ombudsman, 2010.

impartiality and due process where ACAs are responsible for the investigation and prosecution of corruption cases. In the countries included in this work we observe often the presence of key legislation,

such as financial disclosures for public officials (70 percent); freedom of information (62 percent); and whistle-blower protection (57 percent). A challenge however is the implementation and application of these laws, which remain limited. An additional challenge is the implementation of these systems that often represents a significant part of the ACA's workload and can reduce resources available for work in other areas.

In some countries the investigation and prosecution functions are separated, with the ACA referring cases to the public prosecutors who formalize charges and bring cases to trial. In a few countries, the ACA prosecute cases before and are accountable to specialist corruption courts. A few countries have also instituted oversight bodies, who may investigate complaints where the ACA fails to follow due process. Adequate mechanisms for ensuring accountability for due process are critical to the credibility of ACAs and a safeguard of their independence.

Virtually all ACAs (98 percent) prepare annual reports. These reports tend to focus on the number of investigations conducted (66 percent) and concluded (58 percent). A few provide information on convictions and penalties. Few agencies launched report on prevention activities, education and awareness-raising. The definition of appropriate performance indicators remains a challenge for most ACAs.

The amount and quality of information that ACAs make available to the public is generally poor. There are a few exceptions. The leading ACAs regularly update information through their websites on number of investigations initiated, completed, prosecuted and successful convictions, together with transcripts of indictments, judgments, rulings, and comments on weaknesses and strengths of their work.

> **Box 3: Accountability – The case of Mauritius**
>
> The Independent Commission Against Corruption (ICAC) was established under the Prevention of Corruption Act in 2002. It is managed by a Board, comprising a Director General as Chairperson and two Members. The ICAC, an independent body, is accountable to a parliamentary committee to ensure proper checks and balances in its operations.
>
> - *Administrative Accountability* - The Parliamentary Committee ensures administrative accountability of the ICAC by monitoring and reviewing all its activities. The Committee is composed of nine members of Parliament. One of the members is designated as Chairperson by the Prime Minister. The Parliamentary Committee also monitors and reviews the manner in which the Commission fulfills its functions under the Act, reviews its budgetary estimates, and issues such instructions as it considers appropriate with regard to the financial management and the staffing requirements of the ICAC as well as the allocation of resources to its various operations. The Committee's role does not extend to monitoring matters related to any investigation being carried out by ICAC or the findings of the Commission in relation to a particular investigation.
> - *Judicial Accountability* – When the ICAC is of the view that an investigation has disclosed prima facie evidence against a person and considers prosecution, the matter is referred to the Director of Public Prosecutions (DPP). No prosecution can be instituted by ICAC without the consent of the DPP. The DPP is an independent authority, established by virtue of Section 72 of the Constitution.
>
> Source: ICAC, 2010

About three quarters of ACAs have some form of communications and media strategies. Communications tend to focus on awareness-raising. Virtually all ACAs report that managing public expectations is a significant challenge. This is particularly true for newly created ACAs: citizens expect the agency to have an immediate impact on their daily experience of corruption, while most AC efforts require a medium term horizon to have an impact.

ACAs can extend their reach by establishing partnerships across the public sector and with civil society. This may include arrangements that decentralize responsibility for risk assessment and prevention to public agencies, distributing responsibility for tackling corruption across the public sector rather than holding the ACA solely to account. Partnerships with civil society can be particularly helpful in raising-awareness, public education and in the identification of possible wrong-doing through social monitoring. Engagement with civil society increases expectations regarding the responsiveness of the ACA and public agencies.

3. Policy Implications

The data discussed above provides detailed evidence of the complexity of these institutions and the variety of factors that can affect their effectiveness. In particular, three sets of factors appear to have a direct impact on ACAs' effectiveness. First, **strong political support** from the country leadership emerges as the corner stone of significant anti-corruption efforts and ACAs effectiveness. As practitioners have long recognized, without clear commitment and support from the top leadership, anti-corruption efforts are short lived and often doomed to fail. But, according to several of the ACAs interviewed, support from the top leadership is a necessary but not a sufficient condition. In order to promote change, middle management needs to work for change as well. Thus, not only the President but also ministers and directors of public agencies need to support the ACA's work. This observation calls for a new approach to anti-corruption reforms, one that seeks to change the incentives of middle management so that they act to improve transparency and promote accountability as part of a strong commitment to the reform process.

Once political support is obtained, the next step is the **introduction of a comprehensive and clear legal framework** for anti-corruption work. Such legal framework, although necessary, is not sufficient, and laws and regulations need to be applied to make a difference. Furthermore, inter-agency coordination and cooperation among different jurisdictions are required to enhance the investigative capacity (and effectiveness) of ACAs. Clarity of legal mandate and inter-agency coordination is especially important for investigative and prosecuting work. The best solution when the power to investigate is with the anticorruption agency, and the power to prosecute with the Attorney General or another official is for the two agencies to establish close working relations to ensure files are smoothly handed off from the agency to the prosecutor. Because this is not always possible, some countries, such as Thailand and Indonesia, give their anticorruption agencies the power to prosecute a case if, within a specified period of time the prosecutor refuses to do so.

Finally, **adequate resources and a clear role and position within the country's institutional system** can determine whether an ACA will be able to make significant progress in the fight against corruption. The legislative mandate of the ACA should take into consideration and address also the division of authority

> **Box 4: Independence and political pressure – The case of the Slovenian Commission for the Prevention of Corruption**
>
> In 2004, a government's change in Slovenia shifted the tide of political support away from the Commission for the Prevention of Corruption. By February 2006, Parliament had pushed through a new law that eliminated the need for a separate agency in favor of a commission composed of deputies from the National Assembly. In response, the Commission organized a group of experts to prepare a counter proposal and then lobbied 30 MPs to communicate the arguments to the Constitutional Court. The Constitutional Court suspended the law in April 2006 and ultimately declared at least a quarter of the provisions unconstitutional in a March 2007 decision. The provisions of the Prevention of Corruption Act (2004) continued to apply until unconstitutional provisions were amended and/or removed. A change in government in late 2006 swung favor back in support of a separate agency, and the amendments stalled in Parliament. The Commission on Prevention of Corruption maintained its operations, and continues to do so to the present day.
>
> The Commission faced again political pressure in 2008 and 2010, when the National Assembly demanded the resignation of its Director in two separate cases. In 2008, a decision was adopted in Parliament to remove the Director unless he provided proof of the Commission's findings in a bribery case involving the Prime Minister and the previous government. The Director pointed out that this was not a lawfully valid reason for his removal from office, and consequently, he was able to remain in office. In 2010, formal proceedings for the Director's removal were initiated by the Parliamentary group serving as the oversight mechanism for the Commission, in response to the Commission's refusal to provide confidential details about corruption cases, including the names of whistleblowers. The decision was postponed indefinitely when it became apparent that the majority required to carry the decision would not be achieved. In June 2010, this Parliamentary oversight group was abolished by virtue of the new Integrity and Corruption Prevention Act.
>
> The existing legal framework paired with a strong internal leadership was essential to fence off the repeated political attempts to interfere with the Commission's work.
>
> Source: Commission for the Prevention of Corruption, 2010

between central government agencies and state-level ones to avoid duplication of efforts and inefficiency. Without a well-defined legislative mandate specifying the agency's powers and its relationships with other entities responsible for anticorruption policy, the agency's effectiveness can be greatly undermined. Ad hoc and impulsive policy responses driven by dramatic corruption scandals, paired with political economic conflicts within the country, have contributed to the emergence of underfunded ACAs that often have multiple and poorly defined functions and operate in an unclear legal environment.

Other, less often emphasized factors also affect the effectiveness of ACAs. The existence of a **broad anti-corruption policy** and an adequate **budget**, independently managed, can help sustain ACA efforts. The work of the ACAs should be closely linked and relied on on-going AC efforts. As such, there is also a growing consensus it can be necessary as an essential part of an anticorruption effort to set up a program requiring senior public officials – cabinet ministers, legislators, judges, and top level civil servants and judges – to disclose their income and assets to competent authorities and to identify and manage conflicts of interest. While the better practice is to vest responsibility for the management of the program with an ethics unit, the anticorruption agency should have need-based access to all materials submitted by filers and should establish close working relations with the ethics entity.

Measures promoting the ACA's **accountability and relationship with citizens** and the media (including the emerging social media) can be powerful tools to create an enabling environment for ACAs when facing faltering political support. ACAs should set an example and make themselves accountable for their work by regularly sharing the outcome of their efforts and initiatives. Investing in programs to establish good relationships and communication with the public based on visible and relevant indicators of impact has helped several ACAs to fend off political pressures and survive attacks aimed at undermining ACAs. Clear and comprehensive performance indicators, however, are often unfamiliar concepts to ACA officials. This makes the ACAs unable fully and regularly to highlight progress and achievements, making them more vulnerable to the fluctuations introduced by political campaigns and elections. To address some of these issues several anticorruption agencies have established oversight boards of distinguished jurists and civil society activists to oversee their activities and provide advice on both technical legal issues and policy matters. Nigeria's Economic and Financial Crimes Commission provides a best practice example of such a board.

Box 5: Success and social media – The KPK in Indonesia

The experience of Indonesia's Corruption Eradication Commission (KPK) provides some notable examples of success in combating corruption and the importance of a good relation with citizens.

The KPK suffered dramatic setbacks in 2009 when its Chairman was arrested on murder conspiracy charges, and two other Commissioners suspended from duty and then arrested on charges of corruption. The Chairman was convicted of the charges and is now appealing the decision. It was widely felt that these charges, particularly the unrelated charges against the two Commissioners, were an attempt to undermine the KPK. Popular support for the Commissioners was widespread and vocal. Public demonstrations were held, and a support page was launched on the social networking site, Facebook, which attracted over a million members. A Presidential Commission was rapidly established to review the cases. The charges were eventually dropped after wire-tapped evidence was produced before the Constitutional Court that the allegations had been rigged. Although KPK Commissioners have since been suspended on charges of administrative misconduct, expressions of popular support, galvanized through social networking media, continue to provide a vital bulwark for the KPK against interference from the executive or the legislature. While the KPK did not spearhead the social media outrage, it has well established communications and outreach functions that have enabled it to act strategically in response to popular support.

Source: KPK, 2010

Three policy lessons emerge from this on-going work. Given the variation observed among ACAs and their institutional and political environments, local policy-makers should exercise cautions when they attempt to "replicate successful experiences", and they should do so only after carefully understanding

and integrating country-specific factors in their approach. In addition, local policy-makers should ensure the coordination of AC functions and activities among different agencies within their own country and promote a medium-term view, focused on building local capacity and promoting the sustainability of anti-corruption efforts within the country. Finally, individual countries should set out a comprehensive and clear set of performance indicators in the beginning to guide performance and to capture the impact of ACAs activities, beyond the number of cases investigated and/or prosecuted. Only in this way will local policy-makers and citizens be able to appreciate and evaluate in a more meaningful and objective way the effectiveness of their own ACA over time.

4. <u>References</u>

Council of Europe. 2004. Anti-Corruption Services: Good Practice in Europe. August 2004.

_____. 2005. Strengthening Anti-Corruption Services in Southeastern Europe: Current Status and Needs for Reform. July 2005.

De Sousa, Luis. 2010. "Anticorruption Agencies: Between Empowerment and Irrelevance," Journal of Crime, Law and Social Change, Volume 53 (1): February, pp. 5-22.

De Speville, Bertrand. 2008. "Failing anti-corruption agencies – causes and cures", Paper presented at the ISCTE Business School (Lisbon University Institute) Conference, Lisbon, 14-16 May.

Doig Alan. 1995. "Good Government and Sustainable Anti-Corruption Strategies: A Role for Independent Anti-Corruption Agencies?" Public Administration and Development 15:151-165.

_____. 2009. "Matching Workload, Management and Resources: Setting the Context for 'Effective' Anti-Corruption Commissions," Chapter 5 in Luis de Sousa, Peter Larmour, and Barry Hindess (Governments, NGOs and Anti-Corruption: The New Integrity Warriors, London: Routledge).

Doig, Alan, Watt, David, and Williams, Robert. 2005. "Measuring 'Success' in Five African Anticorruption Commissions: the Cases of Ghana, Malawi, Tanzania, Uganda, and Zambia". U4 Research Report. (Bergen: Chr. Michelsen Institute)

_____. 2007. "Why Do Developing County Anti-Corruption Commissions Fail to Deal with Corruption? Understanding the Three Dilemmas of Organizational Development, Performance, Expectation, and Donor Government Cycles," Public Administration and Development 27: 251-259.

Heilbrunn, John R. 2004. "Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption?" Working Paper Series: 37234 (World Bank Institute)

Hussmann, Karen. 2007. "Anti-Corruption Policy Making in Practice: What Can Be Learned for Implementing Article 5 of UNCAC?" U4 Report 2007: 2 (Bergen: Chr. Michelsen Institute)

Huther, Jeff and Anwar Shah. 2001. "Anticorruption policies and programs: a framework for evaluation," Policy Research Working Paper: 2501 (The World Bank)

Johnston, Michael. 1999. "A Brief History of Anti-Corruption Agencies", in *The Self-Restraining State: Power and Accountability in New Democracies,* A. Schedler et al. Eds., (Boulder, CO: Lynne Rienner Publications)

Kaufmann, Daniel. 2005. "Myths and Realities of Governance and Corruption", mimeo, (World Bank Institute)

Meagher, Patrick. 2005. "Anticorruption Agencies: Rhetoric Versus Reality," Journal of Policy Reform 8(1): 69-103.

Pope, Jeremy. 1999. "The Need and Role of an Independent Anti-Corruption Agency", Working Paper 13 (Berlin, Transparency International).

OECD. 2007. Specialized Anti-Corruption Institutions: Review of Models. (Paris: OECD)

Quah, Jon S.T. 2010. "Defying institutional failure: learning from the experiences of anti-corruption agencies in four Asian countries", Journal of Crime, Law and Social Change, Volume 53, (1) February, pp. 23-54.

United Nations Development Programme. 2010. "Methodology for Assessing the Capacities of Anti-corruption Agencies to Perform Preventive Functions" (UNDP Bratislava Regional Centre)

_____. 2005. "Institutional Agreements to Combat Corruption: A Comparative Study" (UNDP Regional Center in Bangkok)

Annex 22: CP6 - Zambia-Commonwealth Africa paper presentation 2015

Slide 1

**COUNTRY PAPER
ANTI-CORRUPTION COMMISSION
ZAMBIA**

THEME:
"Engaging Civil Society Organisations as Partners in the Fight Against Corruption

**Dar-es-Salaam, TANZANIA
25th -29th MAY, 2015**

Slide 2

SCOPE OF PRESENTATION

- ❖ Introduction
- ❖ Background of the Innovation
- ❖ Implementation Process of the Innovation
- ❖ Results of the Innovation
- ❖ Reflections and Lessons Learnt
- ❖ Challenges
- ❖ Recommendation
- ❖ Conclusion

Slide 3

INTRODUCTION

- ❑ ACC-Zambia, established in 1980 by an Act of Parliament.
- ❑ Anti - Corruption Act No. 3 of 2012 is the current principal law for preventing and combating corruption in Zambia.
- ❑ Mandate of the Commission is to (i) **Investigate and Prosecute** offences under the Act, (ii) **Prevent corrupt practices** in public and private bodies and, (iii) **Educate the Public** on the dangerous effects of corruption and foster public support.

Slide 4

BACKGROUND OF INNOVATION

- ❑ A wide range of both local and international Civil Society Organisations operate in Zambia.
- ❑ They seek to address issues ranging from health, education, environment, gender, human rights and good governance.
- ❑ Most of the CSOs work together in partnerships and coalitions towards improving people's livelihoods.

Slide 5

BACKGROUND CONT'D

- ✖ Since its formation (1982), ACC-Zambia has engaged CSOs in the fight against corruption.
- ✖ However, the engagement had usually been ad-hoc.
- ✖ In early 2000, the Commission designed a project fund to systematically engage CSOs.
- ✖ The project fund was called *Civic Education and Corruption Prevention (CECP)Fund*

Slide 6

BACKGROUND CONT'D

- ✖ The fund was aimed at achieving the following:
  - ✚ Equipping CSOs with accurate knowledge on the operations of the Commission and corruption issues;
  - ✚ Empowering the CSOs with competences relevant for disseminating anti-corruption messages;
  - ✚ Equipping CSOs with competences in designing and developing anti-corruption messages;

BACKGROUND CONT'D

+ Improving and sustaining a working relationship between ACC-Zambia and CSOs;
+ Engaging CSOs to conduct sensitisation activities and research projects on behalf of the Commission; and
+ Expanding the coverage of the Commission's work especially in providing community education and advisory services on corruption, especially in rural areas.

IMPLEMENTATION PROCESS CONT'D

× An assessment of the project was conducted in 2010.
× Some of the outcomes were:
  + Lack of monitoring of activities by the Commission
  + Lack of adherence to good corporate governance practices by the CSOs.
  + Insufficient operational guidance to CSOs by the Commission.
  + Unsystematic reporting procedures on activities undertaken by the CSOs that were engaged.

IMPLEMENTATION PROCESS CONT'D

× Change of the name of the project to *Fund for Anti-Corruption Campaign (FACC)*.
× The review also led to a number of changes that were aimed at reaching the objectives of CSO involvement in the fight against corruption.
× A partnership was entered into with the Department for International Development (DFID) of the United Kingdom which emphasised the need to enhance the effectiveness and efficiency of CSO operations in the fight against corruption.

STEPS TO ENHANCE THE INNOVATION

× Special training for CSOs was designed to enhance competences to conduct research and sensitisation activities.
× Legal contracts were designed for signing by the Commission and individual CSOs that were engaged.
× Operational Guidelines were designed & availed to all CSOs identified to work with the Commission.
× A framework for monitoring the work being done by individual CSOs was developed and implemented.

SPECIFIC ACTIVITIES UNDERTAKEN

× Radio Programmes
× Workshops and seminars
× Inter-School debates
× Training of Trainers
× Production & distribution of IEC Materials
× Public Rallies
× Public Sensitisations before, during and after Elections

× A CSO SENSITISATION ACTIVITY IN 2014

RESULTS OF THE INNOVATION

- Increased awareness of corruption issues in the country especially in remote parts – Over 5 million people reached between 2011 and 2014.
- Increased engagement of and enhanced partnerships with CSOs – over 200 different CSOs engaged since 2010.

OTHER EXPECTED RESULTS

- Once an impact assessment of the involvement of CSOs is done, the Commission further expects to achieve the following;
  - Improved levels of adherence to transparency and accountability in the expenditure of public resources.
  - Enhanced accessibility of the Commission by the public.
  - Enhanced public confidence in the operations of the Commission.
  - Increased reports of suspected cases of corruption from rural areas.
  - Improved corporate image of the Commission.

REFLECTIONS AND LESSONS LEARNT

- Identification of reliable and worthy CSOs within the 10 provinces of the country. It is therefore imperative to enter into long term partnerships with such CSOs.
- Need to develop competences among Commission staff in order to broaden the scope of areas for partnerships with CSOs. E.g. Public Expenditure Tracking.

LESSONS LEARNT CONT'D

- Need to develop anti-corruption IEC materials by identifying the drivers of corruption which would be informed by CSOs involvement with the communities so as to generate materials that address the felt needs on the ground.
- Need to regard monitoring of the CSOs activities during contract execution so as to ensure that the agreed activities are being implemented. This will enable the Commission render the needed technical assistance.

CHALLENGES

- Insufficient funds - This led to
  - Inadequate monitoring of CSO activities.
  - Limited number of CSOs engaged
  - Limited training provided to CSOs
- Limited scope of areas of involvement due to inadequate competences on the part of Community Education Staff, particularly on Public Expenditure Tracking

CHALLENGES CONT'D

- Mixed activities of CSOs – CSOs were
  - Engaged in more than one area of operation. E.g. HIV/AIDS, Education and Governance
  - Not fully committed to the fight against corruption
- Non-adherence to contract terms by CSOs that were engaged. Examples include;
  - Paying of office rentals using project funds
  - Buying of office equipment such as computers
  - Using project funds to pay for personal emoluments

RECOMMENDATIONS

- The relationship developed with CSOs should be used to propel anti-corruption crusade in the country.
- The current political will towards the fight against corruption to be fully utilised.
- The operational autonomy of the Commission should be used to win the confidence of CSOs and enlist their support in fighting the scourge.
- Cooperating partners to financially support the involvement of CSOs in anti-corruption.

CONCLUSION

- Corruption is a global challenge which needs the efforts of all stakeholders.
- CSOs have unique skills that can effectively support the fight against corruption.
- CSOs are also important drivers in the implementation of checks and balances, thereby promoting transparency and accountability in public resource utilisation.
- Continued engagement of CSO means some steps towards attainment of good governance.

Annex 23: CP7 - Sierra Leone country paper - Fighting Corruption whilst facing an Epidemic

Fighting Corruption – facing an Epidemic

The Sierra Leone Country Report

Background

- Sierra Leone
  - British Colony – Independence 1961
  - 6 million people
  - Exports; Diamonds, Rutile, Bauxite & Fish

Background contd.

- Anti – Corruption Legal framework
  - Commission Established by Statute 2000
    - Fewer Offences
    - Reliance on the AG
    - Little Independence

  - Overhaul of Statute in 2008
    - More offences including procurement
    - Assets Declaration Regime
    - Power to prosecute

........a little more background.

- The NACS crafted from bottom up
  - Prevention, Education, I I & Prosecution
  - Risk driven
  - Mainstreaming into public service

- Big fish, little fish, Tigers and Flies
  - Two sitting ministers
  - Several CEOs, Court of Appeal Judge
  - The Mayor of the Capital
  - Teachers, Police officers, Traffic Wardens

Ebola

Change of Life Style

State of Public Health Emergency
- Do not Touch
- No public meetings/gatherings

but

- Huge flows of money
- Expenditure and procurement
- Heavily padded staff requirements

Room for Corruption

Ebola Response Transparency Initiative (ERTI)

▸ Special Team
  ◦ All departments on it
    • Monitoring Officers
    • Intelligence Officers
    • Investigators
    • Public Education/Outreach personnel

Ebola Response Transparency Initiative (ERTI)

TASK – **Prevent Corruption in Ebola related activities**

Hands on Monitoring
  –maintain a presence where money is being spent
Collaboration with Partners
  – Audit Service Sierra Leone
  – Sierra Leone Police
  – National Ebola Response Center
Intense Sensitization
  – Radio and TV
  – Enhanced Reporting mechanism including electronic methods

ERTI Results

▸ Persons who were receiving double hazard incentives discovered
▸ Non Existent persons and quarantined homes weeded out
▸ Diverted food supplies Intercepted and re distributed
▸ Cases referred for further investigations
▸ Three related indictments already filed

Challenges

▸ Accusations of obstruction
▸ Managing Expectations of populace
▸ Internationals and Immunities
▸ Lack of Expertise in Electronics & Digitization
▸ Self Preservation and personal safety

Challenges contd.

▸ Geographical realities & funding
▸ Judicial Reversals
▸ Impostors
▸ Where is the money?

….. a quick word on civil society engagement

Civil Society Monitoring Group (including the Press)
▸ A Valuable but complex partner
  ◦ Whistle blowing role
  ◦ Monitors of the Commission

▸ Ameoba like character that is ever shifting

▸ May have vested interest
  ◦ Civil Society Capture guided by owners /funders
  ◦ Political / Regional Twist

Annex 24: Benchmarking

Benchmarking

Ranking(countries with more selections	Agency/ country	Countries to visit based on the country presentations at the meeting.	Countries visited in the past	Countries that want to visit based on the presentation
	CONAC-Cameroon	Nigeria , south Africa, Swaziland		none
	Federal intelligence unit - Seychelles	South Africa		none
1st	Inspectorate of the government of Uganda	Swaziland, Sierra Leone , Mauritius		5(Zambia, Malawi, the 2 Nigerian agencies represented and Lesotho)
	Directorate of corruption and economic crimes-Bostwana	Mauritius (private sector engagement) Namibia (investigation applications on bank transactions) Sierra Leone	Planned to visit Cameroon but could not due to the Ebola crisis	1 (ICPC Nigeria)
	Zambia Anti Corruption commission	Tanzania, Uganda and Rwanda		none
	Anti – corruption bureau Malawi	Mauritius, Swaziland, Uganda		none
	EFCC-Nigeria	Kenya, Uganda	Information sharing with EOCO Ghana on investigations	4(Kenya, Cameroon, Lesotho, Tanzania)

2nd	ICPC /Nigeria	Kenya, Botswana, Uganda	Ghana EOCO	4(Kenya, Cameroon, Lesotho, Tanzania
	EACC/ Kenya	Rwanda ,Nigeria (on staff development including the anti-corruption academy programme) South Africa (SUI) (How the unit harmonizes and coordinates efforts by various anticorruption agencies)		4(Nigeria , Mauritius, Tanzania South Africa
	ICAC-Mauritius	Rwanda (Declaration of assets) Kenya (on one stop shop Huduma centers) Tanzania (forensic computers		4 (Uganda, Bostwana, Nigeria, Lesotho, South Africa)
	Lesotho/D CEO	Mauritius, Nigeria, Uganda	Zambia, Mauritius , Kenya	none
	Tanzania PCCB	South Africa, Kenya Nigeria	Botswana	4(Sierra Leone,South Africa, Mauritius, Zambia)
	Special investigati on Unit South Africa	Tanzania , Mauritius Kenya		4(Tanzania,Kenya,Syc helles,Cameroon)
	Anti corruption commissio n Sierra Leone	Tanzania , Rwanda		2(Botswana and Uganda)
	Namibia			Botswana
	Swaziland			3 (Malawi ,Uganda Cameroon)

	Rwanda			4(Mauritius, Sierra Leone, Kenya Zambia)

Country ranking

Annex 25: Conference evaluation

Conference evaluation

In order to measure the success of the meeting delegates filled evaluation forms at the end of the meeting. A total of 41 forms were filed for purposes of evaluation. The form focused on the following**;**

General assessment of the way the meeting was conducted;

22 of the 41 delegates who filled the evaluation were of the view that the way the meeting was conducted was good.17 thought it was excellent while 2 thought it was adequate.(54%-good ,42%-excellent and 4%-adequate.

General assessment of the programme content;

3o delegates (good) while 21 thought it was excellent.

Comments on the programme content.

Delegates welcomed the presentation model adopted in which countries shared experiences and that the meeting was well organized. A majority were of the view that there should have been a presentation by civil society.

Some delegates suggested that Countries should be asked to demonstrate how successful their innovations were giving evidence of success. However delegates suggested that; the issue of Mutual legal assistance ought to have been dealt with at the conference; that the presentations by countries needed to demonstrate how they work with civil society in line with the conference theme; that a clear format of presentation need to be shared before the meeting; that more interactions during the sessions as opposed to the traditional question and answer sessions should be adopted; presentations be limited to a day or two.

The delegates also suggested that ; Country papers need to be shared before the meeting; that it would be better to move from discussing innovations to analyzing successes and challenges as delegates run the risk of simply sharing previous innovations every year (only new innovations should be shared like was the case with Sierra Leone);that Countries should share practical examples and demonstrations of software or tools that ACAs use in investigations or project management; that there should be included breakout sessions where participants discuss challenges and strategies in less formal settings.

Dinning with the president was the highlight as majority of delegates appreciated the organisation by PCCB

Comments on whether the meeting expectations were met;

The expectations were met generally however delegates were concerned that the theme was not addressed enough at the conference

The question **"were all the critical areas presented and discussed , giving you a clear understanding of anti corruption, can be applied in the country**"

A majority did not answer the question however the few who answered were of the view that they would apply the lessons learned at the meeting

Suggestions on what commonwealth should do after the meeting.

- The secretariat should develop a peer review mechanism
- Facilitate connections between agencies and connections to external assistance
- Compile presentations and publish them
- Assist countries carry out visits
- Facilitate mutual legal assistance between countries for cross border investigations
- Train investigators
- The secretariat find out and document how each country is utilizing the knowledge /innovations learnt from the meeting in their countries
- Proceeding reports to be compiled and sent
- Follow-up on innovations presented by member states and where possible refer some states to such innovations
- More work need to be done on impact assessment.
- ACAs to report on recommendations
- Ensure that the resource persons are rated and the ratings shared .
- Engaging with the judiciary
- Focus on asset recovery and forensic expertise by bringing in experts
- Commonwealth secretariat should provide web-links to the anti-corruption bodies in Africa and other commonwealth jurisdictions where the legislation and reports may be reviewed.
- There should be more talk about sustainability of the secretariat

- Encourage member countries to go participate.

Conference ratings

- Majority of the delegates rated the general organisation of the conference as "good" with a few rating the conference Excellent.

Facilitator rating.

- All the delegates rated Mr. Julian Johnson, Dr Roger Karoteng , John Ikubaje, Dan Barnes , Mr. Garry Walter and Ken Brander as either excellent or good with a majority rating them as excellent. However most of the delegates did not like the mode of presentation by Mr. Tim Steel a majority rated his presentation as poor

Conclusion

The conference met its objectives however presentations at the conference need to be tied to the theme.

Annex 26: DRAFT CAACC Advisory Board meeting minutes

(DRAFT)MINUTES OF THE 2<u>ND</u> CAACC ADVISORY BOARD HELD ON TUESDAY MAY 26TH 2015 AT BAHARI BEACH HOTEL IN DARESALAM TANZANIA

In attendance

1. Botswana
2. Kenya
3. Mauritius
4. UNODC
5. Commonwealth secretariat
6. Swaziland
7. Sierra Leone

Absent with apologies

1. Ghana

No	Subject	Action By
1.	**Meeting started at 1820 EAT and was chaired by Mrs. from Botswana**	**Chair**
2.	**Opening remarks** The chair thanked the secretariat for the support and called upon Dr. Koranteng to make opening remarks Mr. Koranteng shared that the Center was active and was still running programmes. He mentioned however that its programmes were slightly hindered by the Ebola crisis. He noted however that not much has been done with regards to research. He indicated that the commonwealth secretariat had to make financial re-adjustments since some of their donors had pulled out. However he assured the board of the secretariat's commitment to the fight against corruption. He mentioned that it was not clear what would happen after 2017	**Chair/ Common wealth secretariat**
3	**Adoption of previous minutes** The members adopted the minute with necessary changes	**chair**
4	**Adoption of the Agenda**	**chair**

	Members adopted the agenda ,adding financial sustainability to the agenda	
5.	**Agenda** 1. **Welcome remarks** 2. **Introduction of board members** 3. **Adoption of minutes** 4. **Progress report** 5. **Financial report** 6. **Future Financing(added at the meeting)** 7. **Way forward** 8. **AOB**	
6.	**Lerato Dube Botswana** **Ketlhatswe mapho- Botswana** **Tim Steel UNODC** **Dr. Roger Korateng common wealth secretariat** **David kaboro –Kenya** **Petronilla kyengo Kenya** **Reginald Fynn-Sierra Leone** **Sheki Kanu-Sierra Leone** **Jabu phakathi-Swaziland**	
7.	**Progress report** It was reported as follows; That the commonwealth anti- corruption centre is still operational. However the center manager left the organisation at the end of December 2014 That it had conducted trainings as follows; • 3rd phase training on Man E • 2nd and 3rd phase for heads of community education programme • 3rd phase of senior leadership and management training for heads of corruption agencies • 1st and 2nd phase for heads of investigation and prosecution The centre in collaboration with the DCEC and the Botswana council for non-l government al organisations held a conference with the theme civil society role in combating corruption across commonwealth Africa Research	**Lerato Dube**

	In July 2014 two CAACC officers had the opportunity to visit the transparency international secretariat to explore areas of collaboration CAACC intends to put in place anti corruption desks to get complaints against officers employed by agencies in the commonwealth .Letters have been sent of the initiative but the response has been poor The centre is in the process of identifying experts who will assist with the questions/ queries It is planned that the in June 2015 the centre will commence research to identify gaps in the policy and procedure framework of commonwealth anti corruption agencies with the assistance of the commonwealth secretariat. The center has a face book page to facilitate interaction between agencies and also update activities by the centre. A bi-annual newsletter was produced. Adverts have been placed in the local Botswana newspaper and magazine informing the public about centre activities. The tender for the website was awarded and the design and development is complete. The website will be live by the end of June.	
8.	**Financial report** It was reported that ; Financial reports showing all expenditure were prepared and submitted to Commonwealth Secretariat. This was for all Centre accounts. The centre has since May 2013 received a total of GBP 300,000.00 (P 4,188,500.00). GBP 200,000.00 is pending. The current balance is P1, 701,834.84. Besides the planned training programmes, P325, 440.00 will be spent on the website, P400, 000.00 on	

	the business plan and P1, 119,000.00 (GBP75, 000.00) for research.

The Centre is exempted from paying value added tax, and continues to submit receipts for tax reimbursements to Botswana Unified Revenue Service for all purchases. The total amount of VAT refund received from BURS is P118, 921.00.

The Centre has assisted agencies who could not send officers for training due to financial constraints by purchasing air tickets for them.

A proposal was developed by Centre staff for purposes of soliciting assistance from potential development partners, be it in financial form or by offering technical expertise.

Officers from the center met with some who include European Union, British Embassy, America Embassy and SADC-CNGO. They indicated their willingness to work with us though nothing concrete can be reported on this matter. Follows ups will be made.

Request for quotations for the development of business plan were sent out to companies offering consultancy services. However, this has not to date been completed as companies did not respond to the tender. It was re-advertised and the companies that did respond were disqualified as they did not meet the procurement compliance requirements.   The tender has been re-advertised.

The Centre uses the procurement standards of the host country, Botswana, and solicits quotations from five hotels whenever there is a training programme. The tender is always awarded to the complying hotel with cheaper rates.
The Office of the Auditor General was requested to audit the CAACC books.   They in-turn advised that the Accountant General should assist us in preparing our books for audit. The DCEC is assisting the Centre in this regard. | |
| 8. | **way forward**
The center proposed the following as way forward**;** | |

	Liaise with the Department of Immigration for visas and encourage nominees to apply for visa on time.	
	Request for support from all heads of ACAs to nominate officers for training and ensuring that nominated officers attend all modules.	
	Request agencies to submit names of employees who could be facilitators in the training programmes	
	Liaise with contact persons for submission of needs assessments and names of training participants	
	Circulate the 2015/2016 training plan to agencies for planning purposes	
	Request agencies to forward names of those who can be peer reviewers for the helpdesk	
	Seek buy-in from the heads when coming up with a new project (e.g. twinning)	
	utilise available funds for research	
	Come up with an agreed consultancy fee rate for payment of resource persons.	
	Continue using funds prudently	
	Continue exploring means of sourcing additional funds	
9.	**Future financing** Dr Koranteng suggested that the board should consider sending proposals for funding to Norwegian countries that usually support anti –corruption efforts He also noted that the focus should be on strengthening the center and ensuring that it continues to run programmes and not expanding the institution to accommodate other need areas. UNODC proposed that it would be prudent to come up with a broad proposal from different agencies or countries as it's easier to fund raise as a group of countries or agencies.	

	It was noted that the proposal by UNODC should be put forth for discussion at the AGM. It was also suggested that the board should get a consultant to develop a proposal;	
9.	**Matters arising** Dr koranteng informed members that the disbursements of more funds were dependent on the ability to spend money by the center. He clarified that the grant document stated that the secretariat may fund up to 250,000 pounds , this meant that the funding could be less than 250,000 pounds He advised that the center should demonstrate the ability to spend in order to get more money**.** **It was agreed that research collaboration with agencies should be discussed at the AGM** It was reported that only 4 countries out of the full membership had paid the subscription fees. However some members stated that they had not received the invoice and therefore could not pay the subscription fee. It was noted that the treasurer should consider the fact that different countries have different financial cycles It was suggested that the function of sending invoices be performed at the headquarters in Botswana. Dr Koranteng clarified that it was in the constitution that the treasurer should perform the function of ensuring that the subscription is paid and so it may not be possible to change that at the meeting **It was suggested that the need to relook the invoicing for the subscription fees be discussed at the AGM**	

	It was proposed by Swaziland that communication should be made to the country contact/focal persons for effective communication. It was also clarified that members who had not paid the subscription should start paying the subscription fees as from 2014. In contributing to the discussion Tim Steel stated that not paying subscription fees affected s sustainability; It was noted that figures reported in the financial report should be accurate and that the financial report should be in single currency UNODC also suggested that the centre in reporting on Training- should report on the status of the knowledge product to be developed It was noted by Kenya that the trainings will depend on the needs assessment as modules would then be crafted to respond to the agency needs It was noted that Some members still do not send persons for training and that there is no consistency in persons being sent for training by other members Kenya suggested that the nominees from agencies should be persons working at operation level. It was however clarified by Dr Koranteng that there are guidelines on the level of nomination that had to be followed. The guidelines had deliberate targets for the training. Dr. Koranteng explained that the M and E training requested 3 nominees -as the idea was that they would form the core to set up the M and E unit. It was important that trainee's demonstrated application as they went back to their various workstations, those who did not apply were not considered for the second phase hence the inconsistencies in the nominees. Dr Koranteng explained that ACA authority heads requested for Management training and so the training was organized specially for them.	
10	**AOB**	

	The chair thanked members for attending the meeting. There being no other business the meeting came to an end	

The Commonwealth