
PROCEEDINGS OF THE

**Seventh Annual
General Meeting and
Conference of Heads of
Anti-Corruption Agencies
in Commonwealth Africa**

Nkopola Lodge, Mangochi, Malawi

29 May to 2 June 2017



The Commonwealth

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Message from the Secretary-General

Your Excellencies and esteemed guests

I am delighted to welcome you today, as you assemble for the Seventh Regional Conference for Heads of Anti-Corruption Agencies in Commonwealth Africa.

The Commonwealth Secretariat, in conjunction with Malawi's Anti-Corruption Bureau, is pleased to host this Regional Conference for Heads of Anti-Corruption Agencies in Commonwealth Africa, in Malawi, 29 May – 2 June 2017, under the theme 'Collaborating National Action Against Corruption in Commonwealth Africa'.

This conference in Malawi provides an opportunity to celebrate some important successes in the fight against corruption in Africa. We can all take pride in the fact that Commonwealth countries in the region are making progress in strengthening their legal frameworks and in building their institutional capacity to tackle bribery and abuse of office.

Indeed, we cannot be unmindful of the scale of the challenge that still lies before us. Sustained attention from governments and donor partners will be required in the years ahead in order to reduce – and ultimately eliminate – the damage inflicted by corruption on our continent. I am pleased that the conference allows us to focus our minds on this task.

The decision to convene the Association of Anti-Corruption Agencies in Commonwealth Africa (AACACA) in 2011 was borne out of the belief that co-operation was necessary in order to confront what is, increasingly, an international threat. The practical value of this collaboration was in evidence in the Annual Heads of Anti-Corruption Agencies Conferences, as the anti-corruption agencies learnt and drew strength from one another.

This positive trend is reflected by Transparency International's Corruption Perception Indexes, in which seven to eight of the top ten least-corrupt countries in Africa are Commonwealth countries. Our 18 member states in Africa have a better score today than they did five years ago. It is clear that our shared Commonwealth values, which include respect for the rule of law and commitment to good governance, will be more important than ever in building on this success as we move forward.

The conference provides a unique platform for sharing, experiences, frameworks, toolkits, insights and country efforts in the fight against corruption and the promotion of good governance in Commonwealth Africa. This regional conference will offer each of us an opportunity to take a renewed look at how our respective systems are working. It is our hope that appropriate changes where necessary will be made.

Over the next four days, you will be participating in a series of plenary and workshop discussions designed to cover a broad spectrum of issues that are relevant to the challenges confronting anti-corruption agencies in the region.

A year ago, at the Tackling Corruption Together conference and Anti-Corruption Summit in London, governments around the world committed to co-operate and to deliver a more co-ordinated response to corruption.

This association is playing a meaningful role in realising this vision - and advancing a transformational agenda for this beloved region of ours. Towards this effort, I am pleased to reaffirm the Commonwealth Secretariat's support and to restate our determination to assist you in your efforts in strengthening the regional response to corruption.

Finally, I would like to thank the Government of Malawi and Anti-Corruption Bureau for so graciously hosting this year's conference and for all the excellent arrangements. I wish the conference an exciting and fruitful few days ahead.

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

Remarks by Dr Roger Koranteng

Adviser and Head, Public Sector Governance Commonwealth Secretariat, UK

The Minister of Justice and Constitutional Affairs, Hon. Samuel Tembenu, Distinguished Invited Guests, Heads of Anti-Corruption Agencies, the press corps, Ladies and Gentlemen. Good morning and greetings from the Commonwealth Secretariat in London, UK. I wish to add a note of welcome to you all for honouring our invitation to be here with us today. I must say it is great to be here in Malawi, the warm heart of Africa - beautiful people, beautiful country, beautiful culture.

Corruption, the abuse of entrusted power for private gain, is the single greatest obstacle to economic and social development around the world. It is estimated that the cost of corruption equals more than 5% of global GDP (US\$2.6 trillion), with more than \$1 trillion paid in bribes each year.

The United Nations, taking all of this into account, estimated that 'corruption, bribery, theft and tax evasion cost some \$1.26 trillion for developing countries per year.' No wonder, therefore, that in its global conference on sustainable development the UN organisation declared that for mankind to achieve sustainable development, the international community had 'to substantially reduce corruption and bribery in all its forms'.

To accomplish this reduction demands a substantial anti-corruption agenda set out comprehensively in the sections of the United Nations Convention against Corruption. This agenda includes partnership between civil society organisations and governments; the establishment of robust codes of conduct for public officials; the re-socialisation of young people; ethics training at all levels; international co-operation, cross-border exchange of information and mutual legal assistance; anti-corruption legislation, effective anti-corruption institution-building and robust law enforcement.

The socio-economic and political cost of corruption is myriad in Africa. For instance, it was estimated that corruption costs the continent over US\$148 billion per annum. Moreover, 50% of tax revenue, 25% of the continent's GDP and \$30 billion dollars in aid for Africa was eaten up by corruption.

It is paradoxical that Africa faces mounting challenges in relation to improving economic growth and development, while the continent is well-endowed with natural resources in arable land, forestry, minerals, especially diamonds, oil and gas. The ironic nature of Africa's development was confirmed by the World Bank's report, which asserted that Africa is the least-developed continent and the most-endowed continent in the world, in terms of natural resources.

Many corruption scandals on the continent is partly responsible for poverty in the face of vast natural resources in Africa with:

- 40% of the world's potential hydroelectric power supply
- the bulk of the world's diamonds and chromium

- 50% of the world's gold, phosphates and palm oil
- 90% of the world's cobalt
- 64% of the world's manganese
- 70% of the world's cocoa, and
- 60% of the world's coffee.

Africa is not devoid of the laws, policies and institutions to fight anti-corruption, the problem is in the nature of the states, the lack of political will and the complacent officials and weak oversight mechanisms, have led to poverty in the midst of abundance.

There seems to be an emerging consensus that many of Africa's quagmires are a result of failure to create 'capable states'. A capable state, in this context, is one characterised by transparency, accountability, and the ability to enforce law and order fairly throughout the country. In addition, a capable state creates a predictable, open and enlightened policy-making environment and works in partnership with the private sector, the media and organs of civil society in the fight against corrupt practices.

Current development discourse, as well as many international organisations, have come to the realisation that corruption is eating away development opportunities. The realisation that corruption is a major hindrance to development is widely held by most international donors, development practitioners and heads of governments sensitive to the plight of their citizens and the wellbeing of their countries. It is a phenomenon that cannot be ignored.

Let me share with you the World Bank's 'Ten ways to fight corruption':

1. **Corruption is not only about bribes:** People, especially the poor, get hurt when resources are wasted. That is why it is so important to understand the different kinds of corruption to develop smart responses.
2. **Power of the people:** Create pathways that give citizens relevant tools to engage and participate in their governments – identify priorities, problems and find solutions.
3. **Cut the red tape:** Bring together formal and informal processes (this means working with the government as well as non-governmental groups) to change behaviour and monitor progress.
4. **It's not 1999:** Use the power of technology to build dynamic and continuous exchanges between key stakeholders: government, citizens, business, civil society groups, media, academia etc.
5. **Deliver the goods:** Invest in institutions and policy – sustainable improvement in how a government delivers services is only possible if the people in these institutions endorse sensible rules and practices that allow for change while making the best use of tested traditions and legacies – imported models often do not work.
6. **Get incentives right:** Align anti-corruption measures with market, behavioural and social forces. Adopting integrity standards is a smart business decision, especially for companies interested in doing business with the World Bank Group and other development partners.

7. **Sanctions matter:** Punishing corruption is a vital component of any effective anti-corruption effort.
8. **Act globally and locally:** Keep citizens engaged on corruption at local, national, international and global levels – in line with the scale and scope of corruption. Make use of the architecture that has been developed and the platforms that exist for engagement.
9. **Build capacity for those who need it most:** Countries that suffer from chronic fragility, conflict and violence are often the ones that have the fewest internal resources to combat corruption. Identify ways to leverage international resources to support and sustain good governance.
10. **Learn by doing:** Any good strategy must be continually monitored and evaluated to make sure it can be easily adapted as situations on the ground change.

The decision to establish the Association of Anti-Corruption Agencies in Commonwealth Africa in 2011 was borne out of the belief that co-operation was necessary in order to confront what is, increasingly, an international threat.

The practical value of this collaboration was in evidence in last six meetings held so far, as the anti-corruption agencies learnt and drew strength from one another and facilitated the transfer of best practice between Commonwealth countries in Africa.

This conference is an opportunity to focus on the 'Anti-Corruption Agenda' in Transforming the Commonwealth Africa. The conference provides a unique platform for sharing experiences, frameworks, toolkits, insights and country efforts in the fight against corruption and the promotion of good governance in Commonwealth Africa.

We can all take pride in the fact that Commonwealth countries in the region are making progress in strengthening their legal frameworks and in building their institutional capacity to tackle bribery and abuse of office.

Anti-corruption agencies will share their work experiences in areas where others identified as a key development need - this will result in the selection of countries for benchmarking, peer learning and study trips.

It is clear that our shared Commonwealth values, which include respect for the accountable governance and commitment to good governance, will be more important than ever in building on this success as we move forward.

This regional conference will offer each of us an opportunity to take a renewed look at how our respective systems are working. It is our hope that appropriate changes where necessary will be made.

A central part of the Commonwealth's endeavours is to help member countries face up to corruption and tackle its destructive impact. I must say, Commonwealth member countries are generally doing relatively better than their global counterparts; this is believed to be largely due to the shared Commonwealth tradition of democracy, common law and public administration.

The Commonwealth is ideally placed in its strategic efforts to foster genuine partnerships among all member states. Its effectiveness is built upon the 'ownership' by its members, and the trust and confidence that member countries have in the Commonwealth Secretariat to work on this important agenda for the Commonwealth countries in Africa.

The Commonwealth Heads of Government Meeting mandate obliges the Commonwealth Secretariat to support member states to develop and adopt measures and strategies to combat corruption and improve governance. To this end, Commonwealth Secretariat prioritised anti-corruption work to strengthen good governance through reduction in corruption and thereby promoting accountability and integrity in the Commonwealth.

To achieve this end, the Commonwealth Secretariat supported in-country collaborative approaches to deal with issues of corruption by mobilising all key institutions and other stakeholders involved in monitoring, detecting and responding to corruption-related issues. Following years of in-country work, the Commonwealth Secretariat decided in 2011 to bring all Heads of ACAs in Commonwealth Africa to a Conference. That first Conference of Heads of Commonwealth Africa Anti-Corruption Agencies was held in Gaborone, Botswana, in May 2011. HE Seretse Khama Ian Khama, the President of the Republic of Botswana, opened the landmark conference. The conference agreed on the urgent need for strengthening anti-corruption agencies and the promotion of regional network of anti-corruption agencies.

A direct result or outcome of the first conference was the creation of a practitioners' network of Heads of Anti-Corruption Agencies in Commonwealth Africa (now referred as the Association of Anti-Corruption Agencies in Commonwealth Africa). The conference sought to broker the exchange of ideas and practices among Commonwealth African countries, and to encourage the sharing of expertise in areas where they have a comparative advantage. The heads of anti-corruption agencies agreed to meet annually for peer-to-peer review and innovative experience sharing, and that the host and venue for the annual conference would be rotated among member countries.

This led to the institutionalisation of annual peer review conference/meetings of the heads of agencies – 2011 in Botswana, 2012 in Zambia and 2013 in Mauritius, Ghana in 2014, Tanzania in 2015, and Namibia 2016 – where all heads of anti-corruption agencies shared transferable experiences through practitioner's exchanges and learning. It is Malawi's turn to host the heads in 2017.

In February 2013, the Commonwealth Secretariat, the Government of Botswana and the Association of Anti-Corruption Agencies in Commonwealth Africa demonstrated commitment to tackling the issue of corruption in a systematic manner by establishing the Commonwealth Africa Anti-Corruption Centre in Gaborone. The Commonwealth Secretariat committed to the Centre financial for four years to cover activities and technical assistance. The Government of Botswana committed, on its part, an in-kind contribution of a fully-staffed office accommodation and provision of training facilities. Anti-corruption agencies have only to pay travel cost for their officers to access the centre's programmes and activities.

The centre provides training, research and other anti-corruption initiatives for all Commonwealth African countries, in areas such as investigations, public education and prevention, prosecution, professional ethics and M&E including baseline and annual surveys, peer review meetings, twinning and other exchanges. The centre is designed essentially to become the prime vehicle for improving co-ordination and strengthening the capacity of Anti-Corruption Agencies in Commonwealth Africa.

The establishment of the centre with active involvement of member countries is also a sign that Africa and the wider Commonwealth are committed to rooting out corruption, demonstrating that it has the potential to grow beyond Africa, as the Commonwealth family has much to learn and share with each other.

In pursuit of the commitment to institutionalise and deepen the fight against corruption through inter-agency co-ordination, learning and co-operation, the Commonwealth Secretariat and the Anti-Corruption Bureau, is organising this 7th Commonwealth Africa Regional Meeting for Heads of Anti-Corruption Agencies here in Nkopola. The conference is essentially a peer-to-peer review meeting, where heads of ACAs will share strategies, best-fit solutions and approaches to tackling corruption and promoting good governance on the continent. The country presentations will be complemented by guest and expert presentations as well.

This high-level review meeting offers an experience-sharing opportunity for all heads of anti-corruption agencies in Commonwealth Africa to share experience and to learn from each other. The conference objectives will be achieved through a combination of presentations, group discussions and networking during and out of sessions.

The Commonwealth Secretariat is keen and committed to assist the anti-corruption agencies to achieve meaningful and long-lasting effort to combat corruption and to enhance good governance on the continent.

The Commonwealth Secretariat cannot do it alone but needs to collaborate with other development partners. Such partnerships offer a vast scope for international development institutions to complement the Commonwealth's resources in assisting our member countries in their effort to reduce corruption. We are looking forward to this collaboration and the potential it holds for more future co-operation.

At this juncture, I will like to take this opportunity to thank Hon Minister Samuel Tembenu for taking time off your very busy schedule to come and open this important conference on behalf of the President. I thank you, Sir, for coming and please extend our appreciation to H E the President.

Finally, thank you all who have travelled from far and near to honour our invitation to join us to today and the heads of ACAs who have kept faith with me since Botswana 2011 and earlier, to work together with me to build this formidable community of practice in Africa. Mr Tim Steele, Director UNODC, our major partner in supporting our anti-corruption effort, told me in South Africa, that the Association of Anti-Corruption Agencies in Commonwealth Africa is the only formidable and successful anti-corruption association still standing tall on the continent. My hope and prayer is that the association will continue to grow from strength to strength. To you the heads of ACAs, I will say we made together! I cannot seat without acknowledging the efficient and effective work put together by the Director-General Mr Lucas Kondowe, Mr Reyneck Matemba and hard-working team from ACB in organising the logistics for this meeting.

I thank you for coming.

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Acronyms and Abbreviations

AACACA	Association of Anti-Corruption Agencies in Commonwealth Africa
ACA	Anti-Corruption Agency
ACB	Anti-Corruption Bureau
ACC	Anti-Corruption Commission
ACU	Anti-Corruption Unit
CAACC	Commonwealth Africa Anti-Corruption Centre
CHRAJ	Commission on Human Rights and Administrative Justice (Ghana)
CONAC	National Anti-Corruption Commission of Cameroon (English)
CRA	Corruption Risk Assessment
DCEC	Directorate on Corruption and Economic Crime (Botswana)
DCEO	Directorate on Corruption and Economic Office (Lesotho)
EACC	Ethics and Anti-Corruption Commission (Kenya)
EFCC	Economic and Financial Crimes Commission (Nigeria)
EOCO	Economic and Organised Crime Office (Ghana)
ICAC	Independent Commission Against Corruption (Mauritius)
IC	Integrity Committee (Zambia)
IG	Inspectorate of Government (Uganda)
IG-ODS	Inspectorate of Government-Online Declaration System (Uganda)
MOU	Memorandum of Understanding
NACS	National Anti-Corruption Strategy
PCCB	Prevention and Combating of Corruption Bureau (Tanzania)
SIU	Special Investigating Unit (South Africa)
TI	Transparency International
UNCAC	United Nations Convention Against Corruption
UNODC	United Nations Office on Drugs and Crime

Introduction

This report highlights the proceedings of the Seventh Annual General Meeting and Conference of Heads of Anti-Corruption Agencies in Commonwealth Africa, held from 29 May – 2nd June, 2017 at Sunbird Nkopola Lodge, Mangochi, Malawi under the theme 'Coordinating National Anti-Corruption Action in Commonwealth Africa'.

The conference was convened by the Commonwealth secretariat and the Anti-Corruption Bureau of Malawi.

The objectives of the conference were:

1. To strengthen cooperation and collaboration among the Anti-Corruption Agencies in Commonwealth Africa; and
2. To share country innovations in the fight against corruption.

Attendance

The conference was attended by delegates from Botswana, Cameroon, Ghana, Kenya, Lesotho, Namibia, Nigeria, Mauritius, Seychelles, South Africa, Swaziland, Uganda and Zambia.



Group photograph of participants

Seventh Commonwealth Meeting of Heads of Anti-Corruption Agencies in Africa

**Theme: 'Co-ordinating National Anti-Corruption Action In
Commonwealth Africa'**

Venue: Lakeshore International Conference Centre, Sunbird Nkopola, Mangochi

Date: 29 May 2017 to 2 June 2017

Director of Ceremonies: Mr Reyneck Matemba

Rapporteurs: Patrick Mogha; Diana Singano and Susan Phiri

Day 1: 29 May 2017

Agenda Item 1: Opening Ceremony

All arrangements were completed and guests seated by 9:00 hours. The conference was called to order at 9:38 hours by the Director of Ceremonies, Mr Reyneck Matemba, (the Deputy Director General of the Anti-Corruption Bureau, Malawi). The Malawi National Anthem was played and Mr Mike Kamowa offered an opening prayer.



The Director of Ceremonies welcomed all the delegates to the conference. He gave a summary of the Sixth Commonwealth Review Meeting that took place in Namibia under the theme 'Partner Exchanges and Peer-to-Peer engagements in the Fight Against Corruption'. He then introduced the theme of Seventh the Commonwealth Conference: 'Co-ordinating National Anti-Corruption Action in Commonwealth Africa'.



Ms Holly Tett, Justice Anthony Kamanga, Supreme Court (SC), Justice Lloyd Muhara, SC, The Minister of Justice and Constitutional Affairs Honourable Samuel Tembenu, SC, Mr Lucas Kondowe and Dr Roger Koranteng

He further thanked all the delegates for attending the conference and welcomed them to the 'Warm Heart of Africa', Malawi. He thanked the Commonwealth for providing financial and technical support towards the conference, the private sector for financial support and the organising committee for its hard work in organising the conference.

Remarks by Dr Roger Koranteng, Adviser and Head of Public Sector Governance, Commonwealth Secretariat



Dr Roger Koranteng welcomed delegates and provided an overview of the cost of corruption in the world. He also presented the United Nations response to help reduce the scourge of corruption which includes, among others: building partnerships between civil society organisations and governments; the establishment of robust codes of conduct for public officials; the re-socialisation of young people; ethics training at all levels; international co-operation, cross-border exchange of information and mutual legal assistance; anti-corruption legislation; effective anti-corruption institution building; and robust law enforcement.

Dr Koranteng stated that it is paradoxical that Africa faces mounting challenges in relation to improving economic growth and development, while the continent is so well endowed with natural resources such as arable land, forestry, minerals, especially diamonds, oil and gas. Corruption is partly responsible for poverty despite vast natural resources in Africa.

However, Africa is not devoid of the laws, policies and institutions to fight corruption. The problem is the nature of the states, lack of political will, complacent officials and weak oversight mechanisms, which have led to poverty amid abundance.

In 2011, a decision was made to establish the Association of Anti-Corruption Agencies in Commonwealth Africa out of the belief that co-operation was necessary to confront what is, increasingly, an international threat.

This collaboration has benefited the anti-corruption agencies in that they have learnt and drawn strength from one another and facilitated the transfer of best practices between Commonwealth countries in Africa.

He emphasised that this conference is an opportunity to focus on the 'Anti-Corruption Agenda' in transforming Commonwealth Africa by providing a unique platform for sharing experiences, frameworks, toolkits, insights and country efforts in the fight against corruption and the promotion of good governance.

He further implored the delegates to take this as an opportunity to renew and look at how their respective systems are working and change where necessary.

Remarks by the British High Commissioner to Malawi, Ms Holly Tett



Her Excellency Ms Holly Tett gave her remarks on behalf of all the donor partners in Malawi, which include the United Kingdom, United States of America, European Union, Norway, Ireland, Germany and the United Nations Development Programme (UNDP).

She pointed out that the conference would help to provide space for African anti-corruption agencies to explore how to better collaborate, share lessons and strengthen information exchanges around addressing corruption.

She emphasised that corruption cannot be tackled by individual nations, but requires a co-ordinated regional and global response. She noted that the fight against corruption should not be left to anti-corruption agencies alone; it requires a coalition of all stakeholders.

She commended the Malawi government for holding the National Conference on Corruption in April 2017 in Lilongwe, which provided an opportunity to have an open and honest discussion on corruption in Malawi. She also welcomed the significant increases in the recent budget statement to key accountability and oversight institutions.

In addition, she congratulated Malawi for passing the Access to Information Law and the Financial Crimes Law.

Her Excellency Ms Holly Tett appealed for consideration in strengthening the independence of accountability institutions such as the Anti-Corruption Bureau, the Directorate of Public Prosecutions and others.

Lastly, she recommended to the Malawi government to consider reforming and regularising political party financing registration.

Remarks by the Director General of the Malawi Anti-Corruption Bureau, Mr Lucas Kondowe



Mr Lucas Kondowe welcomed the Heads of the Commonwealth Anti-Corruption Agencies and their delegates to the 'Warm Heart of Africa' and called upon them to enjoy the warm Malawian hospitality throughout the week. He said that this meeting was a forum where Heads of the 18 Anti-Corruption Agencies in Commonwealth Africa meet annually to discuss how the region can work together in tackling corruption. The forum further gives an opportunity to share experiences on how the different agencies are dealing with the vice in their various countries. It also presents an opportunity to share successes and failures in this noble fight against corruption.

He further said that with advancing technology, dealing with corruption is becoming more and more complex, and called upon delegates that it was therefore incumbent upon them to devise ways that would ensure they were above the tactics of the corrupt.

He also reiterated on the theme 'Co-ordinating National Anti-Corruption Action in Commonwealth Africa'; the theme was important especially because those present were aware that the national anti-corruption efforts of the Commonwealth Africa member states could not be effective if they worked in silos as individual states. Hence, he emphasised the need for enhanced co-ordination among states in the region. For instance, the Anti-Corruption Bureau in Malawi had already started collaborating with other anti-corruption agencies in the region, like the Zambia Anti-Corruption Commission, in its ongoing investigations regarding the procurement of maize. It was therefore his hope that these meetings would help strengthen such co-operation.

In conclusion, Mr Kondowe thanked the Commonwealth Secretariat for the enormous financial resources that the organisation had invested in this particular conference. He also thanked the private sector for its support and the donor community. Further, he thanked the delegates for attending the conference and lastly the organising committee.

Keynote address and official opening by the Malawi Minister of Justice and Constitutional Affairs, Hon. Samuel Tembenu SC



Honourable Samuel Tembenu SC, Minister of Justice and Constitutional Affairs, welcomed delegates to the conference and expressed his delight for Malawi in hosting this high-level meeting for the first time. He notified the delegates that the conference could have been opened by His Excellency the State President, Prof. Arthur Peter Mutharika. However, due to other national engagements he was unable to attend and directed Hon. Tembenu to open on his behalf.

The minister conveyed His Excellency's best wishes to the delegates as they deliberated on the issues regarding the shared vision and approaches in the fight against corruption. He then welcomed the delegates to Malawi and asked them to feel welcome and be at home.

Hon. Tembenu emphasised that the gathering had a common purpose of fighting corruption. As fighters in the battle against corruption, those present needed always to be vigilant, innovative and continuously develop strategies in response to the tricks of the corrupt. Anti-corruption agencies in Commonwealth Africa should collaborate with each other through investigations and sharing of information that would help in combating corruption. This could be achieved by refusing to provide safe havens to fugitives who flee from other countries. The conference therefore was an appropriate forum where information could be shared on emerging innovations and best practices.

The minister also called upon Heads of Anti-Corruption Agencies (ACAs) to ensure independence and professionalism in the way they discharged their duties. It was only through independence and professionalism that agencies would win the trust of the people they serve. Anti-corruption agencies should therefore always endeavour to achieve a good balance between professionalism when performing their duties and meeting the expectations of the public they serve.

He called upon anti-corruption agencies to develop effective anti-corruption programmes and review the legal frameworks in order to achieve the Sustainable Development Goals (SDGs), particularly Goal No. 16. Under this goal, one of the targets is to 'Substantially reduce corruption and bribery in all their forms'. Their work was therefore critical in achieving this very important and lofty goal. Anti-corruption agencies should co-ordinate in order to attain that target by 2030. Knowledge transfer, information sharing and collaboration with other agencies were key in attaining this goal.

Lastly, the minister wished all the delegates fruitful deliberations and networking.

He officially declared the Seventh Annual Meeting of Africa Commonwealth Heads of Anti-Corruption Agencies open.

Performance by Malawi National Cultural Troupe



Agenda Item 2: Presentation on 'The Role of the Private Sector in the Fight Against Corruption in Malawi' by Dr George Partridge, Chief Executive Officer of the Press Group of Companies



Dr George Partridge is the Chief Executive Officer of the Press Group of Companies. He presented on the 'Role of the Private Sector in the Fight Against Corruption in Malawi'. In his presentation, he informed the delegates that the private sector was not spared from corruption. Referring to the 2005 Corruption and Governance Base Line Survey (Malawi), he noted that more than 65 per cent of the business community viewed corruption as a major obstacle to economic development. In addition, the private sector was identified as not just an affected party, but also in most instances as a significant enabler to corrupt practices.

In this regard, the private sector needed to be involved in the fight against corruption. Taking this into consideration, the Press Group of Companies had taken a leading role in the exposure of corruption and corrupt practices. For example, all the subsidiaries of the Press Corporation, which is one of the biggest conglomerates in Malawi, had developed their own internal governance systems, board charters, fraud policies and codes of conduct and codes of ethics. They had subscribed to the Deloitte Tips Offs Anonymous facility to encourage the public to report corruption. (Refer to Annex 6)

Plenary

Dr Roger Koranteng commented that the ideology behind fighting corruption was wrong since it dealt with the public sector only instead to dealing with both the public and private sectors. The private sector also played a significant role in contributing to corruption. Therefore, both the public and private sector should be focused upon equally.

Lesotho wanted to know what Malawi did to incentivize the private sector to become involved in the fight against corruption and what sort of punishments were rendered towards the corrupt in the private sector. In response, Malawi pointed out that it was still facing challenges in this area; for example, the National Anti-Corruption Strategy (NACS) was still not legislated and also the NACS was facing challenges in terms of implementation.

Namibia commented that all sectors must contribute towards solutions in the fight against corruption and effective laws were necessary.

Botswana commented that there was a need for ACAs to educate the private sector on how to handle complaints of corruption and reporting.

South Africa wanted to know what was contained in the Memorandums of Understanding (MOUs) between the Anti-Corruption Bureau (ACB) and private sector companies. In response, Malawi highlighted that some of the issues included training, reporting, information sharing and prevention programmes.

Agenda Item 3: Presentation on 'There Is No Big Or Small Corruption' by Mzilikazi Wa Africa



Mzilikazi wa Afrika is a multi-award winning investigative journalist with the *Sunday Times* newspaper in Johannesburg, South Africa, and author of the bestselling memoir simply titled *Nothing Left to Steal*. In his talk entitled '**A Thief Is A Thief Whether He Steals Diamond Or A Cucumber**' Mzilikazi highlighted on the fact that corruption is corruption whether big or small. He gave an overview of corruption in Africa as seen through the lens of a journalist.

Mzilikazi implored upon the delegates that the conference should not be a talk shop and waste of state resources but rather it should come up with strong measures and methods to combat and curb corruption that has been 'spreading like wild fire' across Africa.

He then reminded the delegates that the media was watching, just like in the jungle, there were those who 'hunt the hunters'. (Refer to Annex 7)

Plenary

Kenya wanted to know the role of the public in fighting corruption, as alluded to by the presenter. Mzilikazi responded that it was necessary for ACAs to have working hotlines and SMS platforms where the public could report corruption.

Botswana wanted to know why the media chose what to publish when it was issued with Press Releases, if there was no corruption 'Big or Small'? Mzilikazi responded that there was a need for ACAs to build relationships with the media and also to ensure that these Press Releases were channelled to the appropriate personnel at the media houses.

Most of the delegates were of the view that the media had a crucial role to play in the fight against corruption.

Agenda Item 4: Country Presentations

CAMEROON: 'Innovative Projects in the Fight Against Corruption in Cameroon' by Rev. Dr Dieudonné Massi Gams, Chairman of the National Anti-Corruption Commission (CONAC)



Innovation 1: Anti-Corruption Sensitisation Caravan

The presenter explained that this innovation focused on the higher education and transport sectors.

Innovation 2: Broadcast of sting operations on national prime time news casts

The second innovation highlighted was used to shame the perpetrators and acts as a deterrent to would-be offenders. More than 20 sting operations were carried out between January and May 2017.

Innovation 3: Production of a newsletter

The newsletter carries reports on most of CONAC's activities on prevention, education and some sting operations. Its distribution is nation-wide, hence the presence of CONAC is felt even in the most remote parts of the country through the newsletter.

Achievements:

- fear of CONAC, the 'police', had increased;
- some people discontinued acts of corruption for fear of being caught and presented on prime-time news;
- those caught in acts of corruption were immediately sanctioned by their hierarchy (that is, suspended or sacked), as they were sent to jail to await trial; and
- judges were handling cases more carefully, as the public had already witnessed the facts of cases through radio and television reports.

Challenges:

- CONAC was unable to carry out bench-marking visits to African Commonwealth countries.

Plenary

Most delegates expressed concern over the issue of broadcasting sting operations. In particular, Uganda wanted to know at what stage of the investigation did the broadcast take place. Cameroon responded that it waited to have concrete evidence before broadcasting. It also worked in collaboration with judges, so as not to jeopardise ongoing investigations. In addition, the broadcasts did not show the faces of the perpetrators, hence they were protected. They used hidden cameras for surveillance. The idea of broadcasting was to shame the corrupt and denounce corrupt practices, so as to serve as a deterrent to would-be offenders.

BOTSWANA: Directorate on Corruption and Economic Crime (DCEC): 'Innovative work/ projects' by Lincoln B Diteko



Innovation 1: Anti-Corruption Units (ACUs)

Lincoln B Diteko presented on behalf of Botswana, reporting that departments in the country had been created primarily to conduct transaction monitoring and preliminary inquiries. Established in 2011 in four ministries, Anti-Corruption Units (ACUs) had been created to enhance Botswana's decentralisation strategy (via an institution-driven approach).

Achievements:

- quality of reports improved with clear findings and recommendations;
- increased number of cases (refined);
- improved disposal rate/turnaround time;
- compliance with internal investigative processes and principles;
- uniformity between ACUs;
- preliminary inquiries and transaction monitoring put into context and reduced conflict (territorial) around investigations; and
- enhanced knowledge and monitoring processes.

Challenges:

- shortages of staff;
- ACUs viewed as spy networks by staff membership;
- low implementation rate of recommendations; and
- lack of capacity and relevant experience.

Innovation 2: Corruption risk management

Establishment of Corruption Risk Management Units (CRMU): CRMU formed in April 2016. Risk management capacity of institutions also established.

Achievements:

- Eight two-day dedicated corruption risk assessment (CRA) trainings (in 2016 and 2017) and 12 monthly presentations;
- templates had been designed (for action plans, document collection and inference register etc.);
- DCEC collaborated with Botswana Accountancy College (BAC) and 214 students graduated with a Post Postgraduate Certificate in Enterprise Risk Management;
- number of CRAs had been increased (70 since establishment);
- CRAs were of good quality;
- CRAs had been incorporated into core duties; and
- commencement of Corporate Integrity System (CIS) feasibility study (30/60 organisations analysed).

Challenges:

- there was a need for capacity building (within the CRMU); and
- low implementation rate of recommendations.

Innovation 3: Establishment of a Security Office

A Security Office was established, a task team selected and a security risk assessment conducted. This revealed the following security breaches:

- use of personal computers;
- use of memory sticks (USBs);
- insecure use of photocopiers;
- sharing of passwords; and
- free access to offices and other critical points.

Achievements:

- Security Standard Operating Procedures (SSOPs) were developed;
- the use of gadgets was prohibited;
- the use of photocopiers was restricted;
- a clean desk policy was put in place;

- security awareness messages are sent out weekly; and
- there was now controlled access to the Directorate on Corruption and Economic Crime (DCEC) offices.

Challenges:

- security breaches.

Innovation 4: Impact assessment

An independent consultant was engaged to assess the effectiveness of corruption prevention initiatives in the public sector, particularly in the areas of audits, ACUs and Corruption Prevention Committees (CPCs). The assessment revealed, among others, improvements in compliance to procurement activities, but poor implementation of recommendations.

Challenges:

- the impact assessment only assessed audits, ACUs and CPCs; and
- there needed to be an assessment of other areas, e.g. investigations.

Plenary

Namibia wanted to know how Botswana managed funds, taking into consideration that the country travelled a lot with a large entourage to conferences. Further it enquired as to how ACUs fund their activities. In response, Botswana indicated that its entourage included people from ACUs and the Commonwealth Centre, which had their own budgets; and that ministries, too, provided funds for the ACUs.

Day 2: 30 May 2017

Agenda Item 1: Presentation by Judge Lot Moroka of Botswana High Court on 'Reasons for Losing Corruption Cases and Recommendations for Securing Convictions in the Courts by Anti-Corruption Agencies'



Justice Lot Moroka is Judge of the High Court of Botswana.

In his presentation, he stated that throughout the Commonwealth criminal cases were lost or won upon fulfilment or failure thereof of two basic requirements:

- At a substantive level, upon failure to adduce sufficient evidence to prove the charge or upon failure to observe rules of criminal procedure and evidence on admissibility of evidence.
- The criminal process deals with legal guilt and not factual guilt. Therefore, in terms of the doctrine of legal guilt, a person may be found legally innocent (a not guilty verdict) irrespective of factual guilt, unless the factual determinations were made in a procedurally regular fashion. This is where the law of criminal procedure comes into play. The procedure adopted at arriving at the guilty verdict was crucial to determine if guilt had been proved to the requisite standard (see HL Parker, 'The Limits of Criminal Sanction' (1968) 161). (Refer to Annex 8)

Plenary

Mr Ben Oguntala wanted comparisons on how African and European judges view and adjudicate corruption cases. In response, Justice Moroka reiterated that judges were not 'ideological virgins', their views would be different depending on their social context, political upbringing and socialisation. However, the law was the same.

Nigeria wanted to know the views of the judge on judicial corruption, i.e. judges accepting bribes. Here the judge opined, any country could survive all other forms of corruption, but judicial corruption was the last line; such corruption could be devastating to a country because the judiciary sustains the country. Judicial corruption kills a country and therefore capital punishment was necessary.

Most delegates wanted the judge's comments on the following: bail pending appeal; mutual legal assistance; and acquittals of the rich.

On bail pending appeal, the judge responded that an appeal was not a stay of judgement; however, a bail may sometimes be given depending on the length of the sentence, the reasonable prospect of success of the appeal and public interest. With regards to mutual legal assistance, the judge explained that this was critical in dealing with cross-border crimes. He also talked about use of informal collaborations to fast-track the assistance. On acquittals of the rich, the judge mentioned that the law/justice must be blind to colour, race or class. Thus there should be equality before the law.

Uganda expressed concern over the length of time it took in determining corruption cases in the courts, since the longer they stayed the higher the prejudice. Judge Moroka responded that there was need to prioritise corruption cases. He cited the example of Botswana, where all corruption cases had been moved from the Magistrates Courts to the High Court – where a specific judge handled all the cases for speedy completion.

Dr Roger Koranteng commented on the concept of reverse onus that it was constitutional and provided for in penal statutes. This was because there were cases where a person was presumed guilty, because the prosecution might not have all the details; therefore the burden of proof lay on the accused.

Agenda Item 2: Country Presentations

TANZANIA: 'Innovative Projects in the Fight Against Corruption', by Mr Alfeo Silungwe



According to the presentation, corruption was the major political agenda item in Tanzania, because the country had the most important tool for fighting corruption: the political will of the Head of State, His Excellency Dr John Pombe Joseph Magufuli. The President had vowed to deal with corrupt people ruthlessly and without hesitation. There were many achievements accomplished in the fight against corruption since the fifth-phase government entered into power on 25 November 2015.

What had been implemented

- Establishment of a Corruption and Economic Crimes Division in the High Court of Tanzania since July 2016, which was operational. Regulations to control court proceedings had been enacted: The Written Laws [Miscellaneous Amendments] Act, 2016.
- Review of the Prevention and Combating of Corruption Act No.11 of 2007 was underway so that it could be amended to suit the current environment.
- The Whistleblower and Witness Protection Act 2015 was also under review to enable the public to give their support without jeopardising their security.
- Twelve high-profile corruption cases were sent court within five months in 2017.
- Government officials had been sacked from public office if they were suspected of corruption.
- Wasteful expenditure had been cut by controlling unnecessary foreign travel by government officials, annual public festivals and the buying of luxurious SUVs. Instead, the focus was on projects that would have a direct impact to the public, such as the construction of roads and provision of free education to children.
- Actions had been taken against prominent business persons who evaded large tax payments. Many of them were opting to pay tax, because if they did not do so they faced court action.
- The Ghost Workers Salary, a scheme by which criminal syndicates in the government used to steal money from the wage bill, was being clamped down on. At the time of the conference, statistics stood at more than 19,700 ghost workers sacked.
- Government revenue collection had increased almost two-fold from what was being collected during the last-phase government [from 850 billion Tanzanian shillings to 1.2 Trillion Tanzanian Shillings per month].
- Drug dealers and corruption in pharmaceutical business were being dealt with. Data from the Drugs Control and Enforcement Authority: From January 2017 to May 2017, a total of 176 drug dealing cases were filed into courts of law.

Achievements

- establishment of an information call centre (that is, the introduction of a toll-free hotline service number 113);
- establishment of public expenditure tracking officers on development projects;
- the 'Longa-Nasi' awareness campaign;
- the building of own offices using own staff (engineers and architects);
- the printing of anti-corruption messages in students' exercise books and book covers.
- anti-corruption messages displayed via UDART (*mwendokasi* buses); and
- the establishment of sector investigation teams.

Challenges

- lack of political will in the lower levels of government;
- how can the mind-set of citizens be changed?

- lack of sufficient human and other material capital;
- international co-operation on investigating large corruption cases through mutual legal assistance (it takes longer to receive a response for requested evidence from abroad or sometimes other countries refused to co-operate);
- inadequate support from citizens and the general public; and
- an ineffective regime of legal sanctions.

Plenary

Zambia wanted to know about the issue on ghost workers, whether these were real personnel or if this was just an issue of lack of qualifications. Further, they wanted to know who the beneficiaries of the scheme were. In his response, Tanzania said that 19,000 ghost workers were uncovered and consequently removed from the wage bill, whereas 10,000 civil servants had fake certificates. The beneficiaries of the scheme were district executive officers, human resource officers and the directors of institutions.

Uganda wanted to know if the sacking of these ghost workers had attracted any court petitions and also whether it was acceptable to visit Tanzania, because in its presentation it indicated that it did not visit and was not visited by any ACA. In his response, Tanzania said that the President did not sack without due process being followed. For one to travel abroad in Tanzania, you needed to seek approval from the President with justification, because this had been done to cut down on wasteful expenditure. In addition, Tanzania welcomed guests from abroad.

Most delegates wanted to know if the use of technical staff in building offices did not compromise their core functions. Tanzania responded that it did not compromise on the core functions. Staff only worked on the building when they were free from their core functions.

Lesotho wanted to know how Tanzania dealt with political party financing. In response, Tanzania said there was an Elections Expenses Act, which stipulated how much parties should use during elections.

GHANA: 'The Fight Against Corruption by CHRAJ & EOCO', presented by Joseph Whittal



In his presentation, Joseph Whittal stated that the Commission on Human Rights and Administrative Justice (CHRAJ) was a national institution that fused in one office three different institutions, namely: a national human rights institution; an ombudsman; and an anti-corruption agency. In the exercise of their functions, the commission members were not subject to the direction or control of any person or authority. They could not be removed from office except on grounds of proven misconduct and after elaborate and long procedures for their removal had been exhausted.

Functions of CHRAJ

- to investigate complaints of violations of fundamental human rights and freedoms, corruption, abuse of power and unfair treatment of a person by a public officer in the exercise of official duties;
- to investigate instances of alleged or suspected corruption and misappropriation of public moneys by an official and to take appropriate steps; and
- to investigate complaints of non-compliance or contravention of the Code of Conduct for Public Officers under Chapter 24 of the Constitution; it may then take such action as the commissioner considers appropriate resulting from the investigation.

Economic and Organised Crime Office (EOCO)

Mr Whittal went on to explain that EOCO was established to, among others, monitor and investigate economic and organised crime and, on the authority of the Attorney-General, prosecute money laundering, human trafficking, and cyber and related computer offences. Its objective was to detect and prevent organised crime in the country and generally facilitate the recovery of the proceeds of crime.

The Whistleblower Act 720 also provided the CHRAJ and EOCO with additional mandates to investigate disclosures of impropriety by whistleblowers. In addition, the Whistleblower Act provided CHRAJ with powers, akin to those of the High Court, to protect whistleblowers from acts of victimisation, which they may encounter as a result of 'blowing the whistle' (Sections 12, 13 and 14(5) of Act 720).

Innovative measures implemented

Innovation 1: Ghana united against corruption

It was reported that Ghana had:

- intensified the implementation of the National Anti-Corruption Action Plan (NACAP);
- launched the Public Service Integrity Programme;
- developed integrity compliance tools;
- trained ethics officers from 50 public sector institutions; and
- prepared and laid the first progress report on implementation of NACAP before the Parliament of Ghana for debate and adoption.

Innovation 2: Beneficial ownership legislation

In May 2016, Ghana made some commitments at the UK Prime Minister's Anti-Corruption Summit in London to, among others, prevent the misuse of companies and legal arrangements to hide the proceeds of corruption and ensure that accurate and timely company beneficial ownership information, including in the extractive industries, was available and accessible to the public.

Innovation 3: Restructuring of the Public Education Unit

EOCO had restructured its Public Education Unit to enable it to perform its functions through: electronic media; operationalisation of a call centre; direct engagement with stakeholders (students, banks, artisans, small and medium-sized enterprises [SMEs], financial institutions, professional bodies, Ministries, Departments and Agencies (MDAs); and by setting up a website on the evils of corruption and its effects on the economy.

Innovation 4: Public Service Integrity Programme

Trained ethics officers were to help manage integrity challenges in the public sector, while a National Ethics Advisory Committee (NEAC) was also inaugurated. These initiatives marked another milestone in the country's history to build a public service with a high level of integrity.

Innovation 5: Co-ordination and collaboration

Memorandum of Understanding (MOU) for ACAs and collaboration with civil society organisations (CSOs).

Achievements:

- institutionalisation of corruption prevention mechanisms in government departments and the introduction of integrity enhancing mechanisms;
- benchmarking programmes had been undertaken to sister institutions in Africa to share experience on measures implemented in those countries that may be of interest to Ghana;
- the launching of a Public Service Integrity Programme; and
- development of integrity and monitoring and evaluation tools.

Challenges:

- lack of adequate funding;
- poor human resource base;
- over-politicisation of corruption and crime; and
- a high tolerance for corruption by the population.

Plenary

Lesotho wanted to know more about the appointment of commissioners. In response, Ghana stated that the appointment of commissioners was carried out by the President in consultation with the Council of State, with prior approval from parliament as provided by the Constitution of Ghana.

KENYA: Country presentation by Halakhe Wago Cbs, Mciarb on 'Innovative Initiatives in the Fight Against Corruption in Kenya'



The presenter introduced Kenya's Ethics and Anti-Corruption Commission as a statutory body established under the Ethics and Anti-Corruption Act 2011, with the following mandate: law enforcement, preventive measures, public education, and promotion of ethical standards and integrity.

Innovation 1: Multi-agency initiative

The commission enhanced investigation and prosecution of corruption and economic crimes. The multi-agency initiative (MAT) approach provided for co-operation and collaboration in law enforcement agencies among agencies in the criminal justice system. There were seven principal agencies and six co-opted agencies that complemented the work of the principal agencies.

Multi-agency principal agencies comprised the following:

- Ethics and Anti-Corruption Commission (EACC);
- Director of Public Prosecutions (ODPP);
- National Police Service (Directorate of Criminal Investigations [DCI]);
- National Intelligence Service (NIS);
- Financial Reporting Centre (FRC);
- Asset Recovery Agency (ARA); and
- Kenya Revenue Authority (KRA).

Co-opted agencies:

- Central Bank of Kenya;
- Communications Authority of Kenya (CAK);
- Kenya Wildlife Services (KWS);

- Kenya Forestry Services (KFS);
- Anti-Counterfeit Agency (ACA); and
- National Transport and Safety Authority (NTSA).

Innovation 2: Investigative system

The presenter highlighted that Kenya's investigative system provided a platform for capture of the perceived or real corruption cases by members of the public and other stakeholders.

Achievements:

- tracking of client reports;
- monitoring progress through the commission's workflow;
- filing and storing of reports had progressed from manual received to a paperless automated system;
- loss of files or documents in respect of cases had reduced;
- the system developed was in use within the headquarters and all the commission's regional offices;
- there was a complaints database with more than 61,000 reports;
- there were 30,000 self-declaration forms; and
- more than 15,000 organisations profiled based on reports received and investigations conducted.

Challenges:

- changing requirements from users of the system made the development process complex and time consuming;
- lack of appropriate hardware and software to develop the system;
- lack of adequate skills and expertise required to develop complex systems;
- lack of adequate funding at the initial stages; and
- resistance from users.

Plenary

Most delegates wanted to know how the multi-agency approach system worked in terms of work ethics, funding and how legal matters were handled. In response, Kenya pointed out that conflict in work ethics was a challenge. For instance, where you wanted information from another agency, its bureaucracies might delay you. As regards the issue of funding, the multi agencies were funded by government. And lastly, on how legal matters were handled, each entity pursued its own cases independently according to their mandate by law.

LESOTHO: Innovative projects in the fight against corruption: 'Milestones and Challenges', presentation by Adv. Peter Matekane



Mr Matekane introduced the Directorate on Corruption and Economic Office (DCEO) to the conference, an organisation established as Lesotho's anti-money laundering authority pursuant to s 11 of the Money Laundering and Proceeds of Crime Act 4 of 2008. This development took place as a result of international effort; inter alia, the United Nations Convention Against Corruption (UNCAC). The Act incorporated both conviction-based 'criminal forfeiture' and non-conviction based 'civil forfeiture'.

Innovation 1: Civil forfeiture

Preservation of property order: Use ex-parte provision to preserve property.

Forfeiture of property order: Forfeiture of property is the final step towards civil recovery to be forfeited to the state; property to be sold by private sale or auction; proceeds of sale to be deposited in the Criminal Asset Recovery Fund (CARF); and test is on 'a balance of probabilities'.

Innovation 2: Criminal forfeiture

Restraint of property order: Restraint of property applications is ex parte. It is wider to cover property irrespective of whether it is tainted or not (lawful or not).

Confiscation of property is the second step. It is focused on the benefit as opposed to proceeds; the application for confiscation is made after conviction.

Realisation of property: Property is realised to meet the benefit retained by convict. It should be noted that civil and criminal forfeiture may run concurrently because they are independent of one another.

Achievements:

- conviction based;
- final orders;
- provisional orders; and
- seizure orders.

Challenges:

- lack of investigative knowledge; and
- lack of judiciary knowledge on the Asset Forfeiture Act.

Plenary

Uganda wanted to know more about enforcement of the forfeiture law and what strategies were used in fighting corruption. Lesotho responded that it used a three-pronged approach of: prevention and education; investigations; and prosecutions.

MAURITIUS: 'Fighting Corruption and Money Laundering: A Co-ordinated Strategy for enhanced Effectiveness', presented by ICAC Mauritius



The Independent Commission Against Corruption (ICAC) in Mauritius was established by the Prevention of Corruption Act of 2002 and the Financial Intelligence and Anti-Money Laundering Act of 2002. As Mauritius outlined, ICAC uses a three-pronged approach, namely: prevention, education and investigation.

Innovation 1: Shift to proactive investigation

ICAC Mauritius explained the country's shift to proactive investigation via the setting up of an intelligence team which conducts a systematic analysis of the assets and criminal antecedents of the suspects: the predicate crime.

Innovation 2: Cross-agency co-operation

The presenter explained that there was co-operation between the Financial Intelligence Unit; the Mauritius Police Force; the Mauritius Prison Service; the Mauritius Revenue Authority; and civil society.

Challenges:

- staff turnover, partly due to exposure to bodily harm;
- hostile witnesses and no witness protection scheme;
- asset recovery legislation was new;

- emerging money laundering schemes via the use virtual currencies;
- mutual legal assistance, which was a constant failure; and
- the role media.

Plenary

South Africa wanted to know if there was a law to subpoena people to explain how they came to own property. Mauritius responded that there was the Integrity Reporting Act, which was enacted two years previously and targeted unexplained wealth.

NIGERIA: 'Implementation of Whistle Blower Policy in Nigeria', presented by Ibrahim Magu Ag., Chairman of the Economic and Financial Crimes Commission (EFCC), Nigeria



The presenter explained to the conference that the Government of Nigeria recently adopted a Whistle Blower Policy ('the Policy') designed to encourage anyone with information to report such crimes as a violation of financial regulations, mismanagement of public funds and assets, financial malpractice, fraud and theft.

A significant component of the Policy was the monetary reward of between 2.5 per cent and 5.0 per cent of the amount recovered to the whistleblower, where the sum recovered was the result of the information provided by the whistleblower.

Innovation: Innovative whistleblower strategy

The EFCC had evolved an innovative strategy to enable it to fast track and respond promptly to whistleblower information. The commission created a Special Unit in each of its zone offices across Nigeria to rapidly respond to whistleblower information. The Special Units operated under a protocol designed to ensure the protection of the identity of whistleblowers. The Special Units co-ordinated and responded to information flowing from members of the public, government ministries, departments and agencies, and from the Nigerian Financial Intelligence Unit.

Achievements

- The whistleblower strategy had empowered the zone offices of the EFCC to promptly and efficiently respond to whistleblower information, without waiting for clearance from headquarters.
- Nigeria reported the following sums to have been recovered pursuant to the Policy (as at the time of the conference): N521,815,000.00 (Nigerian naira; about US\$1.6 million); US\$53,272,747.00; £122,890.00 (UK pounds sterling); and €547,730.00 (euro).
- A substantial part of the recovered sum was linked to former and present serving public officers. The sums recovered from these former public servants could not be justified having regard to their known lawful means of income while occupying public office.
- The recovery of illicit funds had added impetus to the fight against financial crimes and corruption in Nigeria.

Challenges

- Among the challenges noted were that adequate measures needed to be taken to safeguard the identity of whistleblowers and to protect them from possible reprisal attacks. Many of the whistleblowers who came forward expressed serious concerns about their identity and safety.
- In addition, a rapid response to processing information was said to be critical to prevent persons in possession of illicit funds from relocating the funds and hiding them from the authorities.

Plenary

South Africa wanted to know more about Nigeria's Communication Strategy and how it regulated social media reporting. Nigeria responded that it had a Social Media Unit that fights the 'social media war'.

Cameroon wanted to know how the notion of women against corruption worked. Nigeria responded that the role of women was immense; therefore, their involvement was crucial in the fight against corruption: 'women can talk to anyone'.

Botswana wanted to know more about the Immunity Clause in the Nigerian law and also if it was true that governors in office could not be prosecuted. Nigeria responded that there was an Immunity Clause under Section 308, which stipulates that when in office, the President, the Vice President, governors and their deputies could not be prosecuted or arrested – but they could be investigated.

Dr Koranteng wanted to know if Nigeria had an Asset Recovery Law as part of its legislation. Nigeria responded that it did make plea bargain arrangements, where it negotiated with offenders to voluntarily return proceeds of crime to the government and agree on lesser charges.

ZAMBIA: 'Innovative Project in the Fight Against Corruption: Success Story', by Zondwayo Soko



Mr Soko from Zambia explained that the Anti-Corruption Act No. 3 of 2012 mandated the Anti-Corruption Commission (ACC) to spearhead the fight against corruption in the country. In 2004, research had shown that a high level of corruption in public institutions, especially at points of service delivery, was prevalent. The general finding was that public institutions in Zambia were not performing and delivering as they should.

Development of the National Anti-Corruption Policy

In 2006, using the findings of the National Governance Baseline Survey Report, the government, through the ACC, identified eight MDAs where Integrity Committees were established on a pilot basis. At the time of the presentation, 56 Integrity Committees had been established in the country, two of which were private sector institutions.

Innovative project: Integrity Committees

The Integrity Committee (IC) programme in Zambia was an initiative aimed at enhancing institutional performance by making anti-corruption and integrity a way of life in service delivery institutions. These were internal institutional committees in both public and private entities, which were tasked with the responsibility of preventing corruption from occurring within their sphere of control. The main role of the ACC in Zambia was to ensure that anti-corruption and integrity were entrenched in the operations of public institutions.

Composition of ICs

As presented, the Integrity Committee consists of four members, namely the chairperson, the secretary and two members. The members are drawn from different departments at the middle and senior management levels. The chairperson has a direct reporting line to the Chief Executive Officer (CEO). Other members already have other responsibilities within the organisation. The CEO of an institution appoints IC members on behalf of the secretary to the cabinet for a term of three (3) years. An IC member may be reappointed.

The role of ICs

The role of ICs is to spearhead and facilitate the process of preventing corruption in their respective institutions and providing information on what the Integrity Committee will accomplish and what is expected of it.

Achievements:

- development and implementation of best practices;
- all permanent secretaries/controlling officers were held accountable for integrity building in their respective ministry;
- the creation of collaborative partnerships among likeminded institutions, e.g. between the Road Sector Integrity Committee and the Border Point Integrity Committee;
- signing of integrity pacts between service providers and clients;
- improved public service delivery, especially in local authorities and revenue collection institutions; and
- establishment of working Memorandum of Understanding between ACC-Zambia and others to facilitate information exchange and work flow.

Challenges:

- senior members of staff being members of the IC had a counterproductive effect, because they did not have sufficient time to deal with IC work;
- insufficient budgetary allocation for IC work;
- high turnover of IC members in some institutions;
- lack of continuous training;
- the lack of a permanent IC Secretariat; and
- the need to determine common structure for all ICs.

Plenary

Lesotho wanted to know more about how the corruption vulnerability assessment recommendations were being implemented. In response, Zambia indicated that recommendations came from and were being implemented by institutions themselves. Institutions were sanctioned by the ACC if they did not implement the recommendations, since they were legally bound to do so.

Dr Koranteng commended Zambia for having a clear policy on Integrity Committees, which made it mandatory for MDAs to have ICs – even the inclusion of a budget line and the setting up of a permanent secretariat.

NAMIBIA: Country presentation at the Seventh Commonwealth Review Meeting of Heads of Anti-Corruption Agencies in Africa on 'Innovative Project in the Fight Against Corruption: Success Story' by Mrs Helena Litula



Namibia described how its Anti-Corruption Commission (ACC) became fully operational in 2006, with the mandate to: receive/initiate and investigate allegations of corrupt practices; educate the public and disseminate information on the evils and dangers of corruption; and take measures for the prevention of corruption in public and private bodies.

Innovation 1: New energy in governance architecture

The presenter explained that Namibia's Harambee Prosperity Plan (HPP) was composed of two key pillars: Accountability & Transparency and Improved Performance & Service Delivery.

The values of accountability and transparency had been accorded a central role in the HPP under two sub-pillars: Accountability and Transparency and Improved Performance and Service Delivery.

Innovation 2: New Public Procurement Act No. 15 of 2015

Namibia had enacted a new Public Procurement Act, which came into effect on the 1 April 2017. This Act established a new Central Procurement Board, a Special Procurement Unit and new Institutional Procurement Committees.

Innovation 3: Whistle Blowers Protection Bill

Namibia's Whistle Blowers Protection Bill had been tabled in parliament and was expected to be passed that year (2017).

Innovation 4: National Anti-Corruption Strategy (NACS) and Action Plan 2016–2019

The NACS and Action Plan included the following activities:

- The ACC Learners' Posters Competition 2016.
- The development of a manual to serve as a resource book for Grades 4 to 12 life skills teachers to help integrate anti-corruption topics in their lessons. This aimed to engage learners through various participatory activities in the form of debates, discussions, research and drama.

Innovation 5: Integrity and corruption risk analysis

Namibia's ACC had adopted two methods to conduct integrity and corruption risk analysis: an Integrity Management Toolbox (CEWAS) and the Policy and System Analysis Approach (UNODC).

Achievements:

- The ACC was able to identify loopholes and corruption-related gaps in institutions. The commission gave concrete guidance and agreed to support the implementation of its roadmaps to mitigate those gaps.
- Establishment of a special court to deal with corruption.

Challenges:

- the ACC had neither received any visit nor in turn visited any fellow anti-corruption agency in the Commonwealth;
- there was an identified need for technical assistance in the implementation of the country's National Anti-Corruption Strategy;
- a new tool to conduct an in-depth system analysis was required to effectively examine systems, procedures and practices, as required by the Anti-Corruption Act, No. 8 of 2003;
- enhancement of investigative capacity was necessary to augment finalisation of cases and successful prosecution; and
- there was a need to enhance the capacity of prosecuting and presiding officers to handle cases better and improve conviction rates.

Plenary

Most delegates wanted clarification on the outcome of the survey, which seemed to be contradictory. For instance, the 2016 TI Corruption Perception Index (CPI) survey rated Namibia highly, yet the local survey indicated that corruption was on the rise and that it was a problem. Namibia responded that the results were mixed and this was an indicator that the public did not fully understand the concept of corruption. It was therefore necessary to raise public awareness on corruption.

SEYCHELLES: Country presentation by Mary De Silva on 'Operationalisation of New Anti-Corruption Agency'



According to Seychelles' presentation, the Anti-Corruption Commission of that country was established by the Anti-Corruption Act of March 2016. Its mandate was to detect, investigate and prevent corruption. This was a newly established anti-corruption agency with four members of staff. It consisted of three units, namely: Investigations and Research; Complaints; and Communications and Prevention. In its Strategic Plan 2017–2024, the commission prioritised prevention programmes, investigations and new systems, and procedures in the public and private sectors.

Challenges:

- the new set up;
- funding cuts; and
- test cases.

Plenary

No questions or comments were put forward since this was a new agency.

Agenda item 3: Discussion on independent evaluation of Commonwealth Africa Anti-Corruption Programmes: Findings led by Dr Roger Koranteng

Dr Koranteng presented an excerpt from the Commonwealth Africa Anti-Corruption Centre (CAACC) Programme Evaluation. In his presentation, he indicated that the MOU that was signed between CAACC and the Commonwealth Secretariat was for four years and was due to expire on 30 June 2017. Thereafter he wanted member countries to find ways and means of supporting the centre. He pointed out that one approach could be asking the donor community in the various member countries. He then opened the floor for discussions.

These were some of the suggestions and proposals:

- ACAs to pay all training expenses for their staff when they go for training at the centre;
- writing proposals to get donor funding;
- recovered proceeds to be invested back into the ACAs;
- money recovered from assets hidden in foreign accounts to be used to support the centre;
- every ACA should have a budget line to support the centre;
- use resource persons from ACAs to cut costs; and
- ACAs to pay for transport and accommodation.

Day 3: 31 May 2017

Agenda Item 1: Country Presentations

SOUTH AFRICA: 'Innovative Projects in the Fight Against Corruption', presented by Nazreen Pandor



Ms Nazreen Pandor reported on South Africa's ACA, the Special Investigating Unit (SIU), which was established under the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) ('the SIU Act'). The current SIU was founded by Proclamation No. R118 of 2001 and is mandated to investigate corruption, malpractice and maladministration. It also institutes civil proceedings.

The SIU has powers to subpoena, search and seize evidence, and interrogate witnesses under oath and can institute civil litigation to recover state funds lost or to prevent future losses.

South Africa explained the SIU has no powers to arrest, prosecute or take disciplinary action; however, it can provide evidence.

Innovation 1: Introduction of national stakeholder forums

The first innovation outlined was the introduction of national stakeholder forums to engage thought leaders, influencers from government, society and the private sector to maintain the business value of the unit. The aim was that stakeholder perspectives should inform strategy and operations and result in the adoption of sustainable business processes.

Innovation 2: Forensics expertise

SIU is a well-known and recognised brand in the forensics professional services industry in South Africa. Ms Pandor explained that from September 2017, the cyber forensics programme was scheduled for roll-out to 300 forensic investigators, forensic accountants, forensic data analysts, project managers.

Innovation 3: Exchange/learning programmes

SIU and the French Embassy had agreed on the following via a MOU:

- the placement/secondment of a French training facilitator at the SIU premises for the purposes of gaining an understanding of the SIU's legislative framework and work environment, so as to tailor-make the requirements of the SIU;
- to develop, together with the SIU and under the guidance of the Public Sector Education and Training Authority (PSETA), a pre-assessment e-learning instrument to be administered prior to the rolling out of the programme; and
- to capacitate and transfer facilitation skills to 20 SIU officials in order to roll-out the programme in-house, under the mentorship of the French Embassy Technical Expert.

The SIU encouraged ongoing co-operation between and among agencies on anti-corruption within Commonwealth Africa and beyond. Benchmarking against the best and experiential learning was necessary to establish baselines and to define best practice, while exchanging ideas and expertise assists everyone in identifying opportunities for improvement.

The presenter highlighted that the SIU's partnership with the French Embassy and the Directorate on Corruption and Economic Crime (DCEC) in Botswana had ensured that the SIU shared and gained experience from its counterparts outside the borders of South Africa. In engaging with these institutions, the SIU strived to:

- increase its skills capabilities and strengthen its investigations capacity; and
- improve the SIU's performance to enable it to become the cutting edge anti-corruption agency that it was working towards.

Plenary

Kenya wanted to know if there was a document where agreements were formalised. South Africa responded that, yes, it did enter into MOUs with institutions and departments.

Most delegates wanted a clarification on why the SIU charged client institutions for the services rendered. South Africa responded that its Act was amended in 2005 to provide for 60 per cent funding of the SIU. The other 40 per cent was realised by charging government departments where investigations were carried out. The fees did not discourage investigations because institutions budget for forensic investigations.

Botswana wanted clarification that with a multiplicity of agencies fighting corruption, how did the public know where to report. In its response, South Africa said there was a growing debate on which approach was better, whether to have multiple agencies or one agency. The advantage of many agencies was that they were specialised and focused. On the issue of reporting, it would consider a suggestion of establishing a toll-free line.

SWAZILAND: Country presentation by Winile Dlamini on 'Innovative Projects in the Fight Against Corruption'



Ms Dlamini explained that Swaziland's Anti-Corruption Commission had been established in 2006 by an Act of Parliament. It was a government department under Ministry of Justice and reported to parliament through the ministry. The commission had been re-established in 2008 with the following mandate: prevention and education, and investigation. Prosecution of cases was referred to the Director of Public Prosecutions.

ACC innovations emanated from its Strategic Plan, which has five pillars

1. Resourcing. Approached government to utilise skills from sister organisations and technical assistance instrument granted by cabinet.
2. Governance. ACC could now source assistance from sister organisations to establish: investigative and support units; internal policies and procedures; and performance mechanisms and knowledge management.
3. Delivery. Prevention and education: all sectors reached through multi-media campaigns and face-to-face meetings. Decentralisation of offices to the Manzini region, where most economic activities are centred.
4. Legislation and policy. Improving policy and legal framework (to be done with the assistance of sister organisations).
5. Partnerships. Twinning with Lesotho, which visited Swaziland to share experiences and sporting activities.

Achievements:

- improved sensitisation in all sectors;
- decentralisation of offices to the Manzini region where most economic activities are centred; and
- technical assistance instrument granted by cabinet.

Challenges:

- strategic plan implementation had been slow due to lack of resources.

Plenary

Tanzania wanted to know about the corruption prevention strategies used in Swaziland. Swaziland responded that prevention was a challenge because of limited resources.

Agenda Item 2: Presentation by Charlette Adams, 'Doing Clean Business and Investments in Africa'



Ms Charlette Adams is the Director of Jenwood Global Consultant, Hill International; Partner-Al Jumaa Holdings with the late HRH Prince Turki bin Abdulaziz al-Saud and Sheikh Tarek Al-Fassi (2007-2009) and Owner-CARD Industries (1995-2014).

Her presentation covered the following areas: the definition of business; business ethics; results of corruption on business; the Hill/ Jenwood Model; the Hill/ Jenwood Solution and the benefits of 'clean' (corruption-free) business. She said that Commonwealth Africa was now the destination for business in the world. (Refer to Annexe 9)

Plenary

Nigeria commented that there was corruption going on in the construction sector in Nigeria. More than US\$2.2 billion was lost through bribery. Most foreigners, e.g. Americans, did not do clean business. In agreement Ms Adams said that her company had to pull out of Nigeria because it could not compete with companies that gave bribes. She reiterated that it was not only possible to do clean business in Africa, but you had to have the power to do it. Policies to regulate companies doing business in Nigeria were necessary. There should be no relaxation on requirements for companies to carry out corruption-free business.

Kenya wanted to know how to integrate integrity monitoring into the project cycle. Ms Adams responded that policies and integrity monitors should be put in place along with constant internal reviews.

Agenda Item 3: Presentation by Ben Oguntala on 'A New Anti-Corruption Solution Project for African Countries'

Ben Omoakin Oguntala (LLB Hons., LLM Banking and Finance Laws) is the Founder of Security in Africa – Anti-Corruption Commission UK. His presentation covered the following areas:

- Africa and fighting international corruption;
- banking and finance laws and how African corruption funds international economies;
- the Anti-Corruption Commission UK; and
- how lump-sum recovered stolen funds should be returned to Africa and what should be done with the money to protect reoccurrence and provide transparency. (Refer to Annexe 10)

Plenary

Uganda wanted to understand the international arbitration system. Mr Oguntala responded that there were no set rules; it depended on who took jurisdiction first.

Cameroon wanted clarification on the presenter's sentiments that anti-corruption was a business. In his response, Mr Oguntala said that corruption was a new African raw material and it presented a capitalist chance to make money – hence anti-corruption became a business.

Kenya wanted to know how recovery of money stored in offshore accounts could be achieved. Mr Oguntala responded that Africa needed to take a first step and act fast. If corruption occurred in Africa and even if proceeds were repatriated abroad, it was important to act fast.

Excursion: Visit to the fish cages and Bird Island on Lake Malawi



Bird Island on Lake Malawi

Day 4: 1 June 2017

Agenda Item 1: Presentation on 'Mapping Relationships of Africa Anti-Corruption Agencies Network' by Wilhelmina Jane Massy from Ireland

Ms Wilhelmina Jane Massy is the Chief Executive Officer of ABDI Limited, United Kingdom. Her presentation covered the following: an analysis of the collaboration and exchanges of knowledge and practice as described in the Report on the Sixth Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa. (Refer to Annexe 11)

Plenary

A delegate wanted to know what role technology played in networking and learning from each other. In response, Ms Massy said that technology could be used in networking, but there was a need to introduce methods on how the knowledge shared was used and what change followed.

Uganda asked whether the analysis took into consideration differences in structure and mandates of the ACAs. Ms Massy said that data was not available for her to make such an analysis.

Malawi asked if there was any scientific or standardised way of documenting results or any recommendation on documenting the outcomes. In her response, Ms Massy pointed that ACAs could record data at the start of any networking initiative in a standard template where documentation could be done through the creation of a spreadsheet.

Most delegates commented that this was a good and insightful presentation that gave the ACAs an idea of how they had been operating. Such analysis would assist ACAs in future. It was also pointed out by most delegates that there had been under-reporting in most areas, therefore it was necessary to improve reporting, i.e. there should be a robust reporting mechanism and it was important to capture real time data.

Agenda Item 2: Country Presentations

MALAWI: 'Successes and Challenges on Some Innovations by Anti-Corruption Bureau (ACB) Malawi', presented by Catherine Nkhoma



The Malawi presenter, Ms Nkhoma, explained that the Anti-Corruption Bureau (ACB) Malawi was a government institution established under Section 4(1) of the Corrupt Practices Act (CPA) No.18 of 1995. It has two mandates: corruption prevention and law enforcement. The corruption prevention mandate is fulfilled through the Corruption Prevention and Public Education Departments, while the law enforcement mandate is fulfilled through the Investigations and Legal and Prosecutions Departments.

Innovation 1: Public interface meetings

The presenter highlighted first that there had been outreach meetings aimed at addressing or resolving corruption issues in the communities.

Innovation 2: Partnerships with other organisations

The Anti-Corruption Bureau had also entered into a partnership with the National Initiative for Civic Education Trust (NICE), which proved to be successful. NICE has countrywide outreach, with libraries both in the rural and urban areas in all districts of Malawi.

Innovation 3: Establishment of Anti-Corruption Clubs

A third innovation was the establishment of anti-corruption clubs, set up upon demand and on volunteer basis. At the time of the conference, there were 60 clubs across the country, mostly community based; five were university based. Members of the clubs were trained before they start their work. Club members then sensitise people in their communities on issues of corruption, report cases of corruption and also assist those who would like to report corruption by directing them to the ACB. It was explained that the clubs were monitored by ACB and NICE officers.

Innovation 4: Youth Programmes

The aim of the youth programmes initiative was to inculcate a culture of integrity among the youth with the hope of forming a 'clean' generation. The initiative targeted both in-school (secondary schools) and out-of-school youth. The programme was delivered through 'edutainment' activities, i.e. motivational talks, and football and netball tournaments.

Innovation 5: Review of school curriculum

Ms Nkhoma said that ACB was also working with the Malawi Institute of Education in a review of the school curriculum in both primary and secondary schools.

Innovation 6: Forensic Unit

The Forensic Unit was established in 2016 to deal with cybercrime in Malawi. Four officers had undergone training in digital data extraction and, at the time of the presentation, the bureau had registered 11 convictions on cyber-related offences.

Achievements:

- as at June 2017, had registered 11 convictions since the inception of the IBM i2 training;
- speedy conclusion of cases, especially on the well-known cases dubbed 'Cash Gate', where a lot of public money was squandered;

- incorporation of corruption issues into the primary and secondary school curriculum; and
- there has been countrywide distribution of information education and communication (IEC) materials through the NICE libraries and volunteers.

Challenges:

- with high staff turnover, there was continual need for training of officers;
- more finances were necessary to train other officers in the department;
- the annual licenses/subscriptions for forensic devices are expensive; and
- it was difficult to measure the short-term impact on youth programmes.

Plenary

Lesotho wanted to know how the ACB handled the high volume of reports, since the Public Education Department carried out a lot of sensitisation campaigns. Malawi responded that there was an outcry from the public with regards to their complaints; it took too long for the complaints to be acted upon.

Kenya asked whether the ACB had a system to monitor what had been agreed with the community during interface meetings and also how they ensured the good use IEC materials, because distribution was not enough. In response, Malawi indicated that it did have action plans which it followed up and it did carry out ad hoc visits to monitor.

A delegate wanted to know how sensitisations had improved the quality of reports received. Malawi responded that indeed sometimes reports were not of good quality. However, according to the 2014 Governance and Corruption Survey, it was revealed that the reports had improved over the last five years; this was attributed to manuals that were distributed to the office bearers. In addition, there was continuous training of anti-corruption clubs.

UGANDA: Innovative Projects Done in the Fight Against Corruption: Success Stories in Uganda



Uganda reported that the Inspectorate of Government was the leading anti-corruption agency in the country. 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 a constitutional body established under article 223, tasked with the enormous responsibility of fighting corruption, abuse and misuse of office and administrative injustice. The inspectorate fulfilled its mandate through investigations, prosecutions, administrative sanctions and enforcement of the Leadership Code of Conduct, as well as through public awareness programmes.

Innovation 1: Online Declaration System (ODS)

- The Inspectorate of Government-Online Declaration System (IG-ODS) was developed in house by the Inspectorate of Government IT department to enable leaders who were required to declare their incomes, assets and liabilities under the Leadership Code Act 2002 to do so online. It was operationalised by the Electronic Transaction Act 2011 and Leadership Code (Declaration Form) Regulations 2016.
- The IG-ODS was launched on 18 August 2016 by His Excellency the Vice President of Uganda, Hon. Edward Sekandi, with a task of getting 25,000 leaders to declare their incomes, assets and liabilities online. The manual system that went before had a lot of challenges, which included the high costs for procuring, distributing, collecting and storage of forms, as well as time wasting, as leaders had to travel long distances and then queue at the IG offices to deliver the form.
- The presenter highlighted that the system now enabled the leaders to submit their declarations online, making it easy for the information to be processed, analysed and stored electronically. The system is fast, efficient and effective, hence less costly. Leaders are able to submit their declarations from anywhere in the world, as long as there is internet connectivity. In other words, they no longer have to physically queue at the IG offices.
- The new system was also found to be considerably cheaper for both the leaders and the IG, because printing costs, transport costs and data entry costs have greatly reduced; it is also safe and secure.
- The IG-ODS also solved the problem of incomplete declarations. Unlike the manual system, where some leaders would submit incomplete forms, the IG-ODS has checks that will not allow incomplete forms to be submitted. A submission of an incomplete form is automatically rejected by the system.
- The presenter explained that the IG has a support team which attends to leaders' queries and can be contacted through phone calls and email for help and support.
- By the time of the deadline for declarations in April 2017, the success rate had been established at 90 per cent. Uganda believed that this would make the process of verification easier and faster. However, in order to fully be effective, it required a synchronised government online database through which assets could be analysed. Many government departments in Uganda were reported to be moving to online management of data such as the Uganda Registration Services Bureau (URSB), the Office of the Director of Public Prosecutions and the Uganda Revenue Authority. There was also an ongoing national identification programme. Uganda said that it believed that as these databases were built and improved, they would ease the verification process at the Inspectorate of Government.

Innovation 2: Directorate of Special Investigations

The Inspectorate of Government has also created a new directorate to handle high-profile investigations, with a view to prosecuting such cases faster. With the support of the SUGAR project (Support to Uganda's Governance and Accountability Response) under the Danish International Development Agency (DANIDA), specialised training was to be provided to the staff of the directorate to improve their skills in forensic investigations. The directorate had a staff of 30 and was at the time of the conference, handling cases in the Ministry for Local Governments for a mischarge of 12 billion Uganda shillings (USh; US\$3.3 million); massive corruption on the part of the Rural Electrification Agency involving USh14 billion shillings (US\$3.8 million) and corruption at the Uganda National Roads Authority involving USh109,823,693,578/= (US\$30 million).

Innovation 3: Asset Recovery Unit

In addition to the initiative to ensure that investigations of high-profile cases are concluded efficiently and effectively, the inspectorate has created an Asset Recovery Unit under the Directorate of Legal Affairs to specifically handle recovery of lost funds through the recovery of the proceeds of corruption. The unit has a target of recovering USh300 million shillings per year (US\$83,000).

Achievements:

- the system has enabled leaders to submit their declarations online, making it easy for the information to be processed, analysed and stored electronically;
- cost effectiveness;
- has solved the problem of incomplete declarations;
- by the time of the deadline for declarations in April 2017, the success rate had been established at 90 per cent; and
- training of focal persons, as well as some leaders, has also been conducted to demonstrate how the application works as well as to demystify the IG-ODS.

Challenges:

- the low levels of computer literacy of some of the leaders, particularly in rural areas;
- lack of access to computers and sometimes electricity;
- numbers of staff with the technical skills necessary to manage the database was low;
- there was a legal challenge from one leader threatening to sue the inspectorate for breach of his privacy on the premise that his declarations could be accessed by anyone around the world in the event of hacking of the system; and
- the process of recovery was a slow and arduous task and the staff were yet to receive adequate training.

Agenda Item 3: Group work on items to be in the Communiqué

Each ACA was requested to come up with a suggestion to be put in the Communiqué. (Refer to Annex 3)



Botswana delegation during discussions

Plenary

On Uganda's online declarations, most delegates wanted to know whether there was a provision in the constitution and what sort of verification did the country use. Uganda responded that there was a provision in the law under the Leadership Code Act and the Electronic Act of 2010 and 2016 in subsidiary laws.

Namibia wanted to know what Uganda was doing in terms of prevention and education. In response, Uganda pointed out that it had a Directorate of Prevention and Public Education; however, its current focus was on high-profile investigations and prosecutions.

Zambia wanted to know what sort of innovations there were in the judiciary to speed the court process. Uganda responded that the judiciary was an independent entity and it determined the pace of prosecution. However, there was an Anti-Corruption Division in the High Court to expedite corruption cases.

Excursion: A visit to Cape Maclear Lake, Malawi National Park

Day 5: 2 June 2017

Agenda Item 1: Seventh Annual General Meeting of the Association of Anti-Corruption Agencies in Commonwealth Africa (AACACA)

(Refer to Annex 4: Minutes of the AGM)

Agenda Item 2: Reading of the Communiqué

Agenda Item 3: Closing Ceremony

The Conference was closed at 12:30 hours by the newly elected Chairman, Mr Lucas Kondowe of Malawi Anti-Corruption Bureau.

Annex 1: Programme Agenda

Commonwealth Secretariat and The Republic of Malawi

Seventh Commonwealth Conference of Heads of Anti-Corruption Agencies in Africa

Lakeshore Resort, Nkopola Lodge, Mangochi

29 May–2 June 2017

Time	Topic	Resource Persons
Director of Ceremonies: Mr Reyneck Matemba, Anti-Corruption Bureau, Malawi Conference co-ordinator: Dr Roger Koranteng: Commonwealth Secretariat, UK		
DAY 1: 29 MAY 2017		
09:00–09:30	Registration of Heads of ACAs and invited guests	ACB Secretariat
09:30–13:00	Arrival of Minister of Justice and Constitutional Affairs	Hon. Samuel Tembenu
	Malawi National Anthem	
	Opening prayer	Mr M Kamowa
	Welcoming remarks	Mr Reyneck Matemba Deputy Director General, Malawi Anti-Corruption Bureau
	Remarks by Commonwealth Secretariat and Conference overview	Dr Roger Koranteng Adviser and Head, Public Sector Governance
	Statement by British High Commissioner to Malawi	Ms Holly Tett
	Remarks	Mr Lucas Kondowe, Director General of Malawi Anti-Corruption Bureau
	Keynote address and official opening	Hon. Samuel Tembenu, SC, Minister of Justice and Constitutional Affairs
	<i>Cultural performances</i>	<i>National Dance Troupe</i>
	Group photo	ACB Secretariat
13:00–13:30	Refreshments	ACB Secretariat

(Continued)

Time	Topic	Resource Persons
13:30–13:50	<i>The Role of the Private Sector in Fighting Corruption</i> George Partridge Group Executive Press Corporation	Chair Malawi (ACB)
13:50–14:10	Questions & discussions	
14:10–14:30	<i>There is No Corruption, Big or Small</i> Mzilikazi wa Afrika	Chair Mauritius
	Questions and discussions	
14:30–15:00	BREAK	
15:00–15:30	Presentations by countries Botswana Cameroon	Chair Ghana (CHRAJ)
18:00	COCKTAIL	ACB Secretariat
DAY 2: 30 MAY 2017		
08:30–08:40	Arrival & registration	ACB Secretariat
08:40–09:00	<i>Reasons for Losing Corruption Cases and Recommendations for Securing Convictions in the Courts by Anti-Corruption Agencies</i> Judge Lot Moroka High Court of Botswana	Chair Uganda
09:00–10:00	Presentations by countries (20 mins. each) • Tanzania • Ghana (CHRAJ)	Chair Cameroon
10:00–10:30	TEA BREAK	
10:30–11:40	Presentations by countries (20 mins each) • Kenya • Lesotho • Mauritius	Chair Botswana
	Questions and discussions	
11:40–13:00	Presentations by countries (20 mins. each) • Nigeria (EFCC) • Zambia • Namibia	Chair Tanzania
	Questions and discussions	
13:00–13:45	LUNCH	
13:45–14:20	Presentations by countries (20 mins. each) • Seychelles	Chair
	Questions and discussions	

(Continued)

Time	Topic	Resource Persons
14:20–14:40	<i>Discussing Independent Evaluation of Commonwealth Africa Anti-Corruption Programmes Findings</i> Dr Roger Koranteng Head of Public Sector Governance Commonwealth Secretariat	Chair Malawi
	Questions and discussions	
DAY 3: 31 MAY 2017		
08:30–08:40	Arrival & registration	
08:40–09:30	Presentations by countries (20 mins. each) • South Africa • Swaziland	Chair Lesotho
	Questions and Discussions	
09:30–10:00	<i>Doing Clean Business and Investments in Africa</i> Charlette Adams Director, Jenwood Global USA	Chair Dr Roger Koranteng Commonwealth Secretariat
10:00–10:30	TEA BREAK	
10:30–12:30	<i>Mapping Relationships of Africa Anti-Corruption Agencies Network</i> Wilhelmina Jane Massy CEO, ABDI Ltd, UK	Chair Dr Roger Koranteng Commonwealth Secretariat
	Questions and discussions	
12:30–13:45	LUNCH	
13:35–17:00	EXCURSION	
DAY 4: 1 JUNE 2017		
08:40–09:00	Arrival & registration	
09:00–09:40	<i>A New Anti-Corruption Solution Project for the African Countries</i> Ben Oguntola African-in-Chief African Tourism Market & Security in Africa, UK	Chair Nigeria EFCC
09:40–10:00	Questions and discussions	
10:00–10:30	TEA BREAK	
10:30–11:10	Presentations by countries (20 mins. each) • Malawi • Uganda	Chair Zambia
11:10–11:20	Questions and discussions	
11:20–13:00	Group work	Facilitator Dr Roger Koranteng

(Continued)

Time	Topic	Resource Persons
13:00–14 :00	LUNCH	
14:00–16:00	Plenary (Action plans for follow-ups)	
16:00–18:00	EXCURSION	ACB Secretariat
19:00–21:00	DINNER	ACB Secretariat
DAY 5: 2 JUNE 2017		
08:40–09:00	Arrival & registration	ACB Secretariat
09:00–10:00	Annual General Meeting of the Heads of ACAs or Representatives only Agenda will be provided in consultation with AAACA Chair	Mr Paulos Noa AAACA Chairperson Dr Roger Koranteng Advisor & Head, Public Sector Governance, Commonwealth Secretariat
10:00–10-:30	TEA BREAK	
10:30–11:30	Annual General Meeting of the Heads of ACAs or Representatives only Agenda will be provided in consultation with AAACA Chair	Mr Paulos Noa AAACA Chairperson Dr Roger Koranteng Advisor & Head, Public Sector Governance, Commonwealth Secretariat
11:30–12:30	Closing Reading of Communiqué Remarks by Chairman Closing	Mr Paulos Noa AAACA Chairperson Dr Roger Koranteng Advisor & Head, Public Sector Governance, Commonwealth Secretariat
12:30–13:30	LUNCH	
	Departure for Lilongwe	ACB Secretariat

Annex 2: List of Participants

The Seventh Commonwealth Review Meeting for Heads of Anti-Corruption Agencies in Africa

Attendance Form

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Annex 3: Communiqué

Seventh Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa, 29 May–2 June 2017

Communiqué

1. WE, the Heads and Representatives of Anti-Corruption Agencies in Commonwealth Africa, meeting at the Seventh Regional Conference of Heads of Anti-Corruption Agencies in Africa hosted by the Anti-Corruption Bureau (ACB) Malawi, organised by the Commonwealth Secretariat at the Sunbird Nkopola Lodge, Mangochi, Malawi from 29th May to 2nd June 2017,
2. NOTING with deep gratitude the invaluable support and warm hospitality provided by the Government and people of Malawi, the ACB, the honour of the presence of the representative of the President of the Republic of Malawi and Minister of Justice and Constitutional Affairs, Hon. Samuel Tembenu, SC at the opening ceremony,
3. MINDFUL of the need to strengthen co-operation 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 Republic of Malawi, the ACB Malawi and the Commonwealth Secretariat for hosting and organising the Seventh Conference respectively,
6. **FURTHER** having exhaustively discussed the agenda items of the Conference and being satisfied that a full exchange of views has taken place during the Conference,
7. **AGREE** and adopt the following resolutions:
 - 1) Heads and Representatives at the Conference (Delegates) urged Commonwealth member countries (Member Countries) to co-fund their own staff to access the services of the Commonwealth Africa Anti-Corruption Centre (the Centre) in particular, transportation and accommodation;
 - 2) Delegates call on member countries to continue supporting Anti-Corruption Agencies (Agencies) by providing adequate financial resources to the Agencies, to ensure continuous capacity building of officials of the Agencies by the Centre in Gaborone, Botswana;
 - 3) Delegates further call upon the Executive Committee of the Association of Heads of Anti-Corruption Agencies in Commonwealth Africa (the Association) to explore ways of collaboration with the African Union Advisory Board on Corruption;
 - 4) Delegates advised the Agencies to continue expanding the network with other sectors to enhance the fight against corruption;

- 5) Delegates encouraged the Agencies to continue with benchmarking visits to maintain learning and sharing of ideas and experiences;
 - 6) Delegates further advised the Agencies to create a platform for intelligence and data sharing for effective asset recovery;
 - 7) Delegates recommend the use of innovative techniques for prevention, education and investigation in the fight against corruption;
 - 8) Delegates requested member states to consider implementing whistleblowing Legislation for effective protection of whistleblowers;
 - 9) Delegates reiterated the need for a database of resource persons/experts and reminded the Agencies to submit lists of Resource Persons/Trainers to the Centre;
 - 10) Delegates underscored the importance of capacity development of Anti-Corruption Agencies in the recovery of proceeds of corruption and welcome the proposal to organise a meeting in London, United Kingdom in 2017 to deliberate on mechanisms for asset recovery;
 - 11) Delegates call on the Executive Committee of the Association to develop standardised format for data reporting on benchmarking and networking programmes;
 - 12) Delegates advised Anti-Corruption Agencies to consider developing strategies for negotiating political space for its operations, where necessary;
 - 13) Delegates urged the Agencies to develop and implement effective strategies to achieve meaningful collaboration with the private sector, civil society and the media.
8. **RECOGNISING** and appreciating the diversity of experiences shared, agree:
- 1) 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;
 - 2) To strengthen collaboration with International Organisations in Delegates' respective countries;
 - 3) To improve on their financial commitments to the Association by paying their subscription fees on time;
 - 4) To monitor the impact of anti-corruption interventions and to continue to share knowledge gained in benchmarking exercises;
9. Further agree that the next Conference of Heads and Representatives of Anti-Corruption Agencies in Commonwealth Africa in 2018 be hosted by Nigeria in partnership with the Commonwealth Secretariat, and
10. The Conference resolved to have Malawi as the Chair with the following [countries] as members of the Executive Committee of the Association:

Chair:	Malawi
Vice-Chair:	Nigeria
Secretary:	Botswana
Treasurer:	Rwanda
Member	Sierra Leone
Member	Tanzania
Member	Lesotho
Member	Representative of Commonwealth Secretariat.

Dated the 2nd Day of June 2017 at Sunbird Nkopola Lodge, Mangochi, Malawi

Annex 4: Minutes of the Annual General Meeting

Minutes of the Seventh Annual General Meeting of the Commonwealth Africa Heads of Anti-Corruption Agencies Held in Mangochi, Malawi, on 2 June 2017

Countries Present

Namibia – Anti-Corruption Commission – **CHAIR**

Malawi – Anti-Corruption Bureau – **VICE CHAIR**

Botswana – Directorate on Corruption and Economic Crimes (DCEC)

Cameroon – National Anti-Corruption Commission (ACC)

Ghana – Commission on Human Rights and Administrative Justice (CHRAJ)

Ghana – Economic and Organised Crime Office (EOCO)

Kenya – Ethics and Anti-Corruption Commission (EACC)

Lesotho – Directorate on Corruption and Economic Office (DCEO)

Mauritius – Independent Commission Against Corruption (ICAC)

Nigeria – Economic and Financial Crimes Commission (EFCC)

Seychelles – Public Officers' Ethics Commission (POEC)

South Africa – Special Investigations Unit (SIU)

Swaziland – Anti-Corruption Commission (ACC)

Uganda – Inspectorate of Government (IG)

Tanzania – Prevention and Combating of Corruption Bureau (PCCB)

Zambia – Anti-Corruption Commission (ACC)

Absent

Mozambique – Central Office for Combating Corruption

Nigeria – Independent Corrupt Practices and other related Offences Commission

Rwanda – Office of the Ombudsman

Apologies

Sierra Leone – Anti-Corruption Commission

1.0 Agenda

1. Opening Remarks
2. Remarks by Dr Roger Koranteng
3. Remarks by the Advisory Board
4. Centre Progress Report

5. Membership Subscription Fees
6. Constitution of the AACACA
7. Host Country of the Eighth AGM and Conference
8. Election of the Chairperson and Executive Committee
9. Election of the Advisory Board of the Centre (CAACC)
10. Any Other Business
11. Closure

2.0 Opening Remarks

The Chairperson, Mr Paolus Noa, called the meeting to order at 08:30 hours. Mr Noa thanked the members of the Executive Committee for having carried out their various individual responsibilities as required and other members for their support to the Association. The Chairperson also thanked the Secretariat at the Commonwealth Africa Anti-Corruption Centre of Botswana for their diligent work. The Chairperson further thanked the Centre's Advisory Board for providing guidance to the Centre, the Commonwealth Secretariat for the financial and technical support and the people of Malawi for their warmth and hospitality extended to the participants during the Seventh Commonwealth Conference for Heads of Anti-Corruption Agencies.

3.0 Remarks by the Advisory Board

The Chairperson of the Centre Advisory Board, Ms Rose Seretse, commended Heads of Anti-Corruption Agencies (ACAs) who successfully sent their members of staff to participate in various courses at the Centre in Botswana and encouraged those who did not do so to ensure that they participate in the training courses at the Centre. She noted that if the ACA Heads were not utilising the Centre, the purpose for which the Centre was set up would be defeated. The Chairperson also encouraged the members to pay their Association subscription fees in order to enable the Association to become independent and make the Centre a dependable training institute.

Ms Seretse further reiterated that the Government of Botswana was committed to providing housing for the Centre and taking care of the welfare of the Centre personnel, hence the need for Heads of ACAs to fully support and utilise the activities of the Centre.

4.0 Centre Progress Report

The progress report for the Centre was presented by Mr Mogolodi Rantsetse, the Centre Manager. He thanked the Commonwealth Secretariat for the financial and technical support being rendered to the Centre. He also thanked the Chairperson of the Association and the Centre Advisory Board for their respective high levels of commitment towards the activities of the Centre.

Mr Rantsetse gave a summary of the activities that took place at the Centre from January to June 2017 and others that were yet to be conducted up to July 2018. Among the activities already conducted were a Desk Officers' workshop, second module for Managing Exhibits and Proceeds of Crime course and the Seventh Conference for Heads of Anti-Corruption Agencies in Commonwealth Africa.

Those to be conducted in due course were said to be first and second Modules for Case Management course, first and second Modules for Financial Investigations and Asset Recovery Training of Trainers Course, first and second Modules for Effective

Monitoring and Evaluation of Corruption Prevention and Educating Strategies, first Module for Intelligence Gathering and Analysis Course, and first Module for Combating Corruption and Fraud in Procurement Course.

The Centre Manager explained to the members that the Centre had reduced the Modules of learning for all courses from three to two. He was however quick to note that the reduction in the number of modules had not in any way compromised the quality of the training.

He further informed the meeting that the Commonwealth Secretariat had since inception of the Centre in 2013 provided funds amounting to GBP 400,000 spread over four years. Mr Rantsetse said the financial support covered costs such as meals, accommodation and stationery for the participants of all the courses and also the resource persons' fees to the various trainers that provided training at the Centre. He explained that the Government of Botswana took care of the Centre's personnel remuneration, the venue of the training and transport costs of the Centre.

The Centre Manager also reminded the meeting that each member of the Association was expected to pay an annual subscription fee of US\$3,000.

Further, the members were informed of the various plans that the Centre had embarked on, among which were proposals to various institutions for either partnership or sponsorship. The Centre Manager explained that the Centre had prepared and sent proposals to Transparency International (TI), the Open Society Initiative for Southern Africa (OSISA), the Africa Union Advisory Board on Anti-Corruption (AUBAC) and other co-operating partners, including the British High Commission, German Embassy and the Chinese Embassy. He said that the Centre had not received any response to the proposals sent.

Mr Rantsetse also informed the members that another strategy that the Centre had embarked on was to make presentations to various prospective partners whenever an opportunity arises saying that doing so was more effective and would arouse immediate responses to the needs of the Centre. He said that one such presentation was made during an OSISA seminar which took place in South Africa in March 2017.

He added that during the Africa Anti-Corruption Authorities Association (AACAA) General Meeting, which was held in April 2017 in Congo Brazzaville, a presentation was made on the activities of the Centre and Burundi expressed interest in the training courses of the Centre.

The Centre Manager later explained the challenges that the Centre was facing. He said that a number of heads of ACAs were not allowing their staff to attend the courses at the Centre, a situation which he described as discouraging. Mr Rantsetse also noted that members were not availing the training needs of their respective ACAs on time, a situation which he said was hampering the success of the Centre's training programmes.

He however reaffirmed the Centre's role to aggressively continue encouraging members to send the needed information and staff to the Centre so that all can fully benefit from the Centre's activities. The Centre Manager also said that the Centre will soon be accredited to the Botswana Quality Authority, so that the Centre can attract other clients outside the Association.

In concluding his report, the Centre Manager informed the members that the financial support agreement between the Centre and the Commonwealth Secretariat was coming to an end on 30 June 2017 and that there was need for members to think about the way forward on how the Centre will be sustained.

4.1 Comments on the Centre Manager's Progress Report

4.1.1 The Commonwealth Secretariat Public Sector Governance Head Dr Roger Koranteng proposed that member countries need to step in and enhance their support, as they send their members of staff to the Centre for training. Dr Koranteng explained that the ACA Heads should provide finances to their staff which should cater for airfare and accommodation. He said that the Commonwealth Secretariat is still able to provide funding, but not as much as it was before. He explained that the Commonwealth would only provide financial support that can meet the cost of resource persons' fees.

4.1.2 Zambia welcomed the idea and said that meeting the accommodation and airfare costs for the participants by respective ACAs will help the Association and Centre to continue providing the training courses. Zambia also noted that opening up the Centre to other countries and clients that are not members of the Association would also promote the sustainability of the Centre.

4.1.3 Uganda expressed concern on the proposed partnership between TI and the Centre. The Ugandan representative explained that much as it may be a good idea to collaborate with the private sector, TI was one entity which has integrity issues with governments of some countries that are members of the Association. It was said that the fact that the partnership will be between the Centre and TI, the implication would be that all member countries will have agreed to whatever terms will be entered into, a situation which may not sit well with some governments.

Ghana also supported the concern raised by Uganda, saying that it should not be taken lightly but properly explored and members should be allowed to make their comments before the partnership is fully entered into.

4.1.4 In responding to the concern by Uganda, the Centre Manager explained that the proposed partnership with TI only centred on capacity building. He added that before the proposal was sent to TI, legal opinion was sought through the Attorney General of Botswana and the legal department of DCEC to ensure that the terms to be agreed upon with TI will not be to the detriment of the Association or the Centre.

Further, it was explained that the likely collaboration between the Centre and TI will basically focus on the Centre requesting TI to pay for their resource persons, who will provide training to participants.

4.1.5 Cameroon wanted to know if there was an accountant at the Centre who could provide financial details of the funds being utilised at the Centre.

The comment by Cameroon was responded to as the members discussed the agenda item on Subscription Fees.

5.0 Membership Subscription Fees

The Chairperson indicated the need for all members to be up-to-date with their payments. He called upon all those who had not paid their subscription fees to do so.

5.1 Comments on membership subscription fees

5.2 A representative from Ghana's CHRAJ made a commitment that his country would make payment of the fees before the next AGM. He indicated that he had already instructed the Ministry of Finance to pay all arrears from 2014 and this is underway.

- 5.2 Malawi indicated that they have budgeted for the subscription fees in their 2017–18 budget.
- 5.3 In a similar concern to that of Cameroon expressed in 4.1.5, South Africa wanted to know whether there was an audited financial report of the Association that could be made available to the members.
- 5.4 In responding to the concern, the Association was informed that officers of the Auditor-General's office of Botswana carried out an audit of the books of Accounts for the Centre. Additionally, it was explained that all the finances provided by the Commonwealth Secretariat were properly accounted for by the Centre.
- 5.5 Having noted that there was no record of a proper financial report made available at the meeting, Ghana further requested that members should be given such a report in order for them to have a clear understanding of the financial status of the Associations inflows and outflows. Ghana noted that as an institution that promotes transparency and accountability, it was important that the Association also operated in a transparent and accountable manner.
- 5.6 Mauritius also added its voice, saying that it needed the report of the audited Association accounts in order for it to make a case for her ACA to support the demand for payment of subscription fees.
- 5.7 The Chairperson of the Association noted the members' concerns and said that the financial report being demanded will be made available at the next meeting but was quick to explain that all the membership subscription funds are intact in the bank as no money had been withdrawn for any use from the subscription fees.
- 5.8 Seychelles indicated that her institution was a new member which was established this year (2017) and so the ACA would only pay half of the 2017 subscription fees and full payments will be done for next year's and subsequent fees.
- 5.9 Seychelles was advised that the Ethics Committee from Seychelles has been participating in the Association activities in the past, therefore the record that Seychelles was new to the Association was not correct. In line with the advice, Seychelles was directed to write an official letter to the Association's Executive Committee to justify their claim and would be guided accordingly.
- 5.10 The Chairperson urged all members to ensure that enough funds for their local bank charges were remitted when transacting and transmitting membership subscription fees to avoid remitting less funds to the Association account. He noted that such is the case for Tanzania, Uganda and Rwanda and that there was need for the three members to rectify the situation.

6.0 Constitution of the AACACA

Members wondered what was to be discussed on the Constitution, because the draft Association's Constitution was endorsed in 2013. It was then agreed that the item about the Constitution was erroneously placed on the agenda and therefore there was no need to discuss it. They urged the Secretariat to remove the track changes because the Constitution was already adopted.

Members of the meeting were also reminded that in order to avoid such situations in the future, there was need for the meeting's agenda to be proposed and adopted so

that items that may not need to be part of the meeting could be removed from the agenda at that stage.

7.0 Host Country of the Eighth AGM and Conference

Following a deliberation on which country was to host the 2018 AGM and Conference, it was unanimously agreed that Nigeria representing the western part of the Continent be the host of the next meeting. Uganda also committed itself to hosting the 2018 AGM and Conference in the event that for whatsoever reason, Nigeria fails to do so.

8.0 Election of the Chairperson and the Executive Committee

It was stated that article 7 of the Association's Constitution guides the members on the composition of the Executive Committee. Additionally, that by practice, the next host of the event automatically becomes the Vice Chairperson of the Association.

Some members were however uncomfortable with the provisions of article 7, as they did not clearly state how the Chairperson and the Vice would be elected into office. As such, the members agreed that the next AGM should relook at the election process and address the concern.

The Executive Committee was however established as follows:

Malawi ACB DG	Chairperson
Nigeria EFCC Head	Vice Chairperson
Tanzania	Member
Rwanda	Treasurer
Botswana	Member
Sierra Leone	Member

9.0 Election of the Advisory Board of the Centre (CAACC)

The Chairperson guided the members that the Centre Advisory Board was an entity that had been put in place to ensure that the interests of all the regions represented in the Association are taken care of. He noted that as the Board members were being elected, Association members should bear in mind that there are also some permanent seats on the Board which included two for Botswana as Chair and for being the host country of the Centre and that of the Commonwealth Secretariat. The members then elected the following as the 2017/2018 Advisory Board:

Botswana	Chairperson
Malawi	Member (Being Chair of Executive)
Uganda	Eastern Region
Lesotho	Southern Region
Ghana	Western Region
Botswana Public Sector	Member
CAACC	Permanent Member
Commonwealth Secretariat	Ex officio

10.0 Any Other Business

- 10.1 Commonwealth Secretariat Representative, Dr Koranteng, was concerned that there was no concrete agreement by member countries to meet the costs for accommodation for participants who attend the courses at the Centre in Botswana.
- 10.2 Botswana indicated that since such costs were not budgeted for in the countries' respective financial year budgets, it would be prudent for the members to consider commencement of paying for their participants' accommodation costs in June 2018.
- 10.3 The idea to start paying for accommodation in June 2018 was not agreed to because it would mean that no participants would be sent for training at the Centre, as the funding by Commonwealth Secretariat to the Centre was ending in June 2017. Some members wondered how such costs would be catered for between June 2017 and June 2018 if member countries were not ready to begin paying for their staff's accommodation.
- 10.4 Some members wondered whether there was no possibility of a contract renewal between the Centre and Commonwealth Secretariat for purposes of continued financial support.
- 10.5 Dr Koranteng responded to 10.4 saying that the only possible financial support was for the Commonwealth to provide US\$40,000, which he said would not even last for a month if all costs were to be borne by the Centre. He said that the funds are not enough, hence the need for ACAs to meet the Centre half way.
- 10.6 The members then agreed that among the resolutions to be contained in the Association's conference Communiqué, should be a clear way forward as to how the cost of accommodation will be dealt with to ensure that the Centre continues to provide the necessary training courses to the members.

11.0 Closure

In his closing remarks, the out-going Chairperson thanked the members for the support they rendered to him during his tenure of office. He also thanked Dr Koranteng for his commitment, guidance and the leadership he provided towards the Association. Mr Noa also called on the members to render the same support he had to the in-coming Chairperson, Mr Lucas Kondowe.

Annex 5: Country Reports

1. CAMEROON

Innovative Projects In The Fight Against Corruption In Cameroon

A presentation by Rev. Dr. Dieudonné MASSI GAMS, Chairman of the National Anti-Corruption Commission (CONAC) of Cameroon, at the 7th Commonwealth Review Meeting of Heads of Anti-Corruption Agencies in Africa.

1. Introduction

Cameroon is located in the Central Africa sub-region. The country generally referred to as "Africa in Miniature", due to its geographical and cultural diversity, has a population of over 22 million inhabitants. English and French are the two official languages, amidst some 250 dialects and as many tribes.

Corruption is a huge problem in Cameroon. The government has reacted by putting in place several structures to combat the ill. The National Anti-Corruption Commission is one of them. It was created in 2006 with mission to "contribute to the fight against corruption in Cameroon".

The Commission has been at work since 2009. Several actions have been carried out in its three domains of intervention: investigations; prevention and communication and; studies and cooperation.

Our focus is on some of the innovative activities of the Commission, those implemented after the 6th Commonwealth Review Meeting of Heads of Anti-Corruption Agencies in Africa that took place in Namibia in May-June 2016.

2. Innovative project 1: Anti-Corruption Sensitization Caravan

On the occasion of the commemoration of the 2016 International Anti-Corruption Day on December 09, 2016, the National Anti-Corruption Commission of Cameroon organized a one-day anti-corruption caravan. It was the first time that CONAC was breaking away from routine indoor commemoration. Focus was on the Higher Education and Transport sectors. Over 200 students and transport trade unionists were mobilized.

In the morning of the activity, members of the sensitization teams assembled at the headquarters of CONAC at 6:00 am. They were divided into four teams that later drove through all the major streets of Yaounde, the capital of Cameroon, using four different itineraries. The two teams for the Transport sector carried out sensitisation at motor parks, travel agencies, weighing stations, toll gates, vehicle technical control units and heavy vehicle parks.

The CONAC team was received with joy at all the stops. Flyers carrying the contacts of CONAC were distributed and bills pasted on the walls of travel agencies and windscreens of vehicles. Emphasis was laid on the importance to denounce all acts of corruption. The population was enthusiastic about the campaign with CONAC collected over ten denunciations from road users.

The sensitization teams of the Higher Education sector visited both public and private institutions of higher learning. The caravan was received with joy by the students and

school authorities. In some cases, classes were momentarily suspended and General Assemblies improvised. The students and lecturers were sensitized on the need to change habits, oppose corruption and adopt integrity as the principal value in life.

By the end of the day, the caravan had reached out to over 10,000 persons. The caravan team was received by the hierarchy of CONAC at the headquarters of the Institution, while journalists who covered the event were offered a press lunch.

The spillover effect of the activity has been tremendous. The bills carrying the contacts of CONAC have remained posted on the walls of travel agencies and windscreens of vehicles. This has given the opportunity for many people to denounce acts of corruption in the transport sector. In effect, the number of denunciations received at CONAC in the transport sector has doubled since the start of 2017. There has also been an upsurge of denunciations of acts of corruption in the press.

3. Innovative Project 2: Broadcast of Sting Operations on National Prime Time News Casts

A Rapid Intervention Unit was created at CONAC in 2010 to investigate on-going acts of corruption. Over the years, its presence has encouraged victims of corruption to denounce. Some 20 sting operations were carried out between January and May 2017. Formerly only some of the operations were broadcast during the sensitisation programmes of the Commission.

However, since January 2017, sting operations are systematically broadcast on prime time news on national radio and television, both in English and in French. These broadcasts were made possible thanks to a formal partnership with the Cameroon Radio and Television. The media outreach has enabled more people to be aware of the activities and efficacy of CONAC.

4. Innovative Project 3: Production of a Newsletter

CONAC began editing a monthly Newsletter in January 2017. The Newsletter carries reports on most of its activities on prevention and education. An overview of some investigations and sting operations are published in the Newsletter, which also carries information on how to denounce acts of corruption.

The Newsletter is distributed nation-wide and has made it possible for the population to be more aware of the activities of CONAC. The contacts of the Commission, which appear on every edition of the Newsletter are also handy. Above all, the presence of CONAC is felt in the most remote part of the country through the Newsletter.

5. Positive Impact of the Innovative Projects

Globally, the fall outs of the innovations have been tremendous. The fear of CONAC, the "Police", has increased. This has made some people, civil servants in particular, to desist from acts of corruption for fear of being caught and presented on prime time news.

Similarly, those caught in acts of corruption are immediately sanctioned by their hierarchy (suspended or sacked), as they are sent to jail to await trial. Judges handling cases concerning the National Anti-Corruption Commission are more careful because the public already has facts of some of the cases they handle through radio and television reports.

6. Conclusion

In all, the innovations in the fight against corruption at CONAC have brought in a new impetus in the anti-corruption drive in Cameroon. The visibility of the Commission has increased. Many people are denouncing corruption. For fear of being caught and presented on national television, some civil servants are desisting from acts of corruption. Judges handling cases involving the National Anti-Corruption Commission are more objective in their judgments as there are virtually no appeals.

CONAC was unable to carry out bench-marking visits to African Commonwealth countries. Some visits have, however, been scheduled to take place before the end of 2017, hopefully to begin with next door neighbour Nigeria.

2. BOTSWANA

Directorate on Corruption and Economic Crime (DCEC): 'Innovative work/projects'

1. Introduction

Botswana experiences remarkable economic growth and considered by many as a 'beacon of democracy'. This is attributable to, among other factors, strong state and non-state governance institutions which provide guidance and oversight, and continue to play a pivotal role in the promotion of integrity. These institutions have also contributed towards conception of a conducive ethical culture as well as augmentation of systems of accountability and transparency in project implementation.

In pursuit of its developmental proposition, Botswana has to satisfactory levels managed to ingrain a culture of transparency, accountability and responsiveness in service provision. A collaborative programme between and within oversight institutions such as the Directorate on Corruption and Economic Crime (DCEC), Botswana Police Service, Office of Ombudsman, Public Procurement and Asset Disposal Board (PPADB), Department of Public Service Management (DPSM), Office of the Auditor General, Competition Authority (CA) and Directorate of Public Prosecution (DPP) has, to a large extent contributed to prudent management of public resources. To date, corruption levels remain at minimal levels, partly due to eternal efforts by these important actors. This is supported by enabling and progressive legislation as well as a conducive regulatory framework at institutional level. To a large extent, the fight against corruption has somewhat decentralized, with the DCEC providing direction and others taking active part by participating in the national anti-corruption pursuit.

The DCEC as an agency established by an Act of Parliament to fight corruption has played a pivotal role in the country's stance of 'zero tolerance to corruption'. This is demonstrated by the country's rankings particularly Transparency International Corruption Perception Index. The Directorate's successive Strategic Plans reiterates the organization's commitment in the fight against corruption. The Strategic pillars as enshrined in the 2016–2021 Strategic Plan of, Risk Reduction, Collaborative Partnership, Service Excellence and Enhanced oversight, positions the country in the frontline in the world's quest for control of corruption. As an organisation pursuing a well-renowned 'three-pronged strategy' the Directorate has managed reasonably well, to harness and motivate a national movement against corruption. In this case the DCEC role has been rather advisory, with other stakeholders doing the actual work, particularly post 2007, following establishment of Corruption Prevention Committees (CPCs). The DCEC successes are in this regard, particularly attributed to its ability to

strike and promote equilibrium between and within the factors driving Investigation, Corruption Prevention and Public Education, as well as active involvement of diverse stakeholders from which initiatives are executed. This balance and core existence of diversified methodologies derived from different strategies has conceived a culture of intolerance against corruption and promoted active involvement by all in recognition of mutual benefits.

To promote prudent management of public resources and effective and efficient service delivery, anti-corruption remains part of the national anti-corruption programme, and a priority of the state in this perspective. The anti-corruption approach as adopted by Botswana, and profoundly post 2007, has been that of sector/organisation led intervention, where the DCEC empowers client institutions to initiate, formulate and implement in house anti-corruption programmes.

In this regard, the sector/organization's anti-corruption drive has been an important aspect in the achievement of good governance, and has contributed immensely in strengthening the operations of different institutions. To date, many organisations have minimum anti-corruption capacity requirements. As an achievement, all government institutions have customized anti-corruption policies, have established Corruption Prevention Committees (CPCs) and some have established Anti-Corruption Units (ACUs), the infusion of which, has contributed towards promotion of organisational ethics. Some Parastatals and companies have whistleblowing policies and programmes including internal investigatory units and risk management departments.

With regards to the private sector, the DCEC has collaborated with Business Botswana to formulate a 'Code of Conduct for the Private Sector', to which companies are required to subscribe. The Directorate working in collaboration with Botswana Council for Non-Governmental Organisations (BOCONGO) has formed Botswana Anti-Corruption Trust (BACT), the aim of which is to promote integrity in civil society organisations. The DCEC has also signed a Memorandum of Understanding with University of Botswana (UB) and Business Botswana through which Botswana Business Ethics Forum (BBEF) has been established. The aim of BBEF is to coordinate and promote integrity within private sector organisations. Our Partnerships Unit has also collaborated with various professional bodies such as Botswana Institute of Engineers (BIE) and Botswana Institute of Accountants (BIA) and conducted joint workshops to reach out to professionals in different fields. The DCEC has also signed Memorandum of Understanding (MoU) with various institutions such as Office of the Ombudsman, Competition Authority (CA) and Public Procurement and Asset Disposal Board (PPADB), through which the three organisations are conducting Joint Audits. The MoU is also covers areas such as Information sharing amongst partners as well as joint investigations.

The Directorate is currently conducting a feasibility study on the integrity architecture of Parastatals and state owned companies, the aim of which is to establish a Corporate Integrity System (CIS) for parastatal organisations and state owned enterprises. The Directorate has a vibrant and progressive work ethic which encourages employees not only to come up with new approaches, but work hard in enhancing existing methods by continuously introspecting to make relevant improvements.

2. Initiatives Implemented

2.1. Anti-Corruption Units (ACUs and the conducting of Transaction Monitoring)

Anti-Corruption Units have been established in high risk Ministries to primarily conduct Transaction Monitoring (TM) in various business transactions and projects that Ministries undertake. A TM is conducted to identify corrupt trends and practices

within various projects and plays a dual responsibility of risk management and internal investigation. ACUs have permanent staff membership trained on investigations and risk management and handle an average of 500 cases per annum. The operations of these units have been institutionalized into the normal and daily functioning of Ministries and their objectives infused in institutional strategic plans and budgets. To support ACUs the DCEC has established a unit within the Corruption Prevention Division to specifically coordinate ACU operations. Among other duties, the unit maintains a database for cases received and reviews Preliminary Inquiries and Transaction Monitoring reports, and provides a link between ACUs and DCEC Investigation division as well as liaison between ACUs and other law enforcement agencies such as Botswana Police. As an initiative, the Directorate has in 2016 formalised operational processes and procedures which have been codified into Guidelines for conducting Transaction Monitoring and Preliminary Inquiries. The guidelines provide, among other procedures, tools for 'Document Scheduling and Objective Setting (DCOS)', 'Relevance Priority Rating' (PPR), 'Implementation Monitoring Tools' (IMT). Since the development of the guidelines, the DCEC has recorded good quality Transaction Monitoring and Preliminary Inquiry reports. We have also recorded the increase in the number of TMs and PIs for all Ministries.

Challenges/constraints

- Some ACUs experience shortage of staff especially the newly formed units.
- Despite satisfactory acceptance by all, other members of staff still view ACUs as espionage structures meant to spy on them
- Low implementation rate of recommendations emanating from Transaction Monitoring and Preliminary Inquiries.
- Lack of capacity and relevant experience by some ACU staff membership

2.2. Corruption Risk Management

In response to slow uptake of risk management in institutions, the DCEC has established a unit to specifically coordinate the risk management aspect of institutions with an overall aim of preventing corruption. The primary objective of the unit is to establish and maintain the risk management capacity of organisations with specific emphasis on creating protocols, harnessing risk management architecture and building and maintaining structures aimed at promoting ethics in service delivery. Pursuant to this, Directorate assists Corruption Prevention Committees in developing Corruption Prevention Plans (CPPs), Action Plans/Proposals for Corruption Risk Assessment and in conducting actual CRAs, formulation and maintenance of Corruption Risk Registers (CRR) as well as development of implementation models to speed up implementation of recommendations. The unit also conducts CRA dedicated training to officers. The Directorate has also collaborated with Botswana Accountancy College (BAC) through which 214 officers, particularly CPC and ACU officers have graduated with a Post Graduate Certificate in Enterprise Risk Management (ERM). Since the establishment of the unit there has been an increase in the number of CRAs conducted from 13 in 2014 and 2015 to 70 in 2017.

The Directorate through CRMU is conducting a feasibility study aimed at introducing a Corporate Integrity System (CIS) which is expected to commence in 2018. The DCEC is also currently developing a Handbook on Corruption Risk Assessment and Management.

Challenges and constraints

- Slow implementation of recommendations emanating from Corruption Risk Assessments (CRAs)
- Lack of capacity, knowledge and skills in conducting CRAs

2.3 Establishment of a Security Office and development of Security Operating Procedures (SOPs)

A task team representative of all divisions was established to assess the security situation of the DCEC. Pursuant to that, a Security Risk Assessment was carried out to determine the gaps in the management of physical and information security. As a result of this initiative, Standard Operating Procedures (SOP) was developed to guide employees in the overall management of security. As the DCEC we are pleased to announce that, the SOPs, have played a pivotal role in the restoration of reputable image and management of confidential information. There has been a decline in incidences of leakage of confidential information to media.

Challenges/constraints

- The Directorate is still experiencing, albeit minimally, breaches to the Security Operating Procedures.
- There are still indications of leakage of information to the media.

2.4 Assessment on the Effectiveness of Corruption Prevention Initiatives in the Public Sector

An independent consultant was engaged in 2016 to carry out a survey to assess the effectiveness of our anti-corruption initiatives. The survey focused on various areas such as, Anti-Corruption Units (ACUs), Corruption Prevention Committees (CPCs), Audits and Performance Management Tool (PMT). A report has since been produced, which will guide the implementation of our anti-corruption initiatives in future.

Amongst other findings the assessment revealed improvement in timely completion of projects, improvement in compliance to procurement regulations. It also revealed poor implementation of recommendations emanating from DCEC interventions as well as poor monitoring capacity on our part. As part of the Terms of Reference, for the consultant, a Monitoring and Evaluation Framework has also been developed.

Challenges/constraints

- The impact assessment has only assessed the impact emanating from audits, ACUs and CPCs. It has not comprehensively assessed impact of other initiatives especially those executed by the Investigation division.

3. Conclusion

Despite the efforts the country has made in the anti-corruption drive, the DCEC is still to record satisfactory levels in terms of implementation of recommendations emanating from its interventions. These include recommendations emanating from audits, risk assessments and preliminary inquiries. As an institution we are also not working tirelessly to make inroads into the Private Sector. Despite the codification of the Private Sector Code of Conduct, we are yet to see a satisfactory uptake of anti-corruption initiatives by independent companies. The DCEC has also come up with various strategies to catalyse active involvement of the Civil Society. All these efforts are meant to reinvigorate institutionalization of anti-corruption and to place these

sectors at par with government Ministries. Institutionalization by non-state actors culminating from formulation and implementation of controls aimed at promotion of institutional ethics in these organisation remains a priority for the Directorate. It is our expectation that the Corporate Integrity System (CIS) and the Project Anti-Corruption System (PACS), as projected, will advance our quest to institutionalise integrity protocols in all spheres of service delivery, for the overall prevention of corruption.

3. TANZANIA

'Innovative Projects in the Fight Against Corruption'

Introduction

Corruption is the major political agenda in Tanzania. We are lucky to have the most required corruption fighting tool which is the Political will of the current Head of State.

His Excellency Dr. John Pombe Joseph Magufuli (The fifth phase President of Tanzania) vowed to deal with the corrupt people ruthlessly and without hesitation.

There are many achievements that have been accomplished in the fight against corruption since the fifth phase government entered into Power in November 25th 2015.

Below are some of the achievements:

1. Establishment of Corruption and Economic Crimes Division in the High Court of Tanzania since July, 2016 and it is operational.
 - Regulations to control court proceedings have been enacted (The Written Laws [Miscellaneous Amendments] Act, 2016).
2. Review of the Prevention and Combating of Corruption Act No.11 Of 2007 is underway to amend it to suit the current environment.
3. Whistleblower and Witness Protection Act, 2015 is also under review to enable the public to give their support without jeopardizing their security.
4. 12 High Profile Corruption cases have been sent into court within 5 months in the year 2017.
5. Sacking of government officials from public office who were suspected to indulge themselves in corruption.
6. Cutting off wasteful expenditure by controlling unnecessary foreign travel by government officials, Annual public festivals, buying of luxurious SUVs and instead – focus on projects that will have direct impact to the public such as construction of roads and provision of free education to children.
7. Actions have been taken against prominent business persons who evaded massive tax. Many of them are opting to pay tax because if they do not do so they face court action.
8. Clamping down of Ghost Workers Salary, a scheme by which criminal syndicates in the Government used to steal money from the wage-bill. (Current statistics stands over 19,700 ghost workers have been sacked).
9. The Government revenue collection raised almost two folds from what was being collected during the last phase Government [From 850 Billion Tanzanian Shillings to 1.2 Trillion Tanzanian Shillings per month].

10. Dealing with Drug dealers and Corruption in drugs business. (Current data from Drugs Control and Enforcement Authority: From Jan 2017 to May 2017 – a total of **176** Drug dealing cases have been filed into courts of law).

PCCB Success Stories

Innovative work or initiatives implemented:

1. Information Call Centre (Introduction of a Toll Free Hotline service number 113)

- In order to increase the scope of reporting corruption practices in a quicker way and with no expense, the Prevention and Combating of Corruption Bureau introduced a Toll Free service. A person can dial hotline number 113, *113# or texting to 113.
- This service is available to all cellular networks i.e. AIRTEL, HALOTEL, TIGO, TTCL (phone calls only), VODACOM and ZANTEL. This service has encouraged the public to report corruption; we are receiving an average of **57,000** information per month. A call centre works for 24 hours.



2. Establishment of Public Expenditure Tracking Officers on Development Projects

- 40% of the Government Budget is spent into the development projects countrywide. The Prevention and Combating of Corruption Bureau have offices in each Region and District.
- We have established a specific desk in each office with an officer responsible for tracking implementation of the development projects.
- We have bought 100 motorcycles to be used by these officers in tracking the implementation of the development projects and report the progress to the Head office.
- The motorcycles facilitate our officers to penetrate into the villages in Rural areas where development projects are being implemented.



3. "Longa-Nasi" awareness campaign

- In May 2016 PCCB came up with the campaign branded as 'LONGA NASI', which simply means "Talk to us, Talk to PCCB" as a strategy of communicating effectively with all stakeholders.
- The campaign was officially launched by the Vice President of the United Republic of Tanzania, Hon. Samia Suluhu Hassan on May 24, 2016.
- The campaign is implemented all over the country (Urban and Rural areas) and is conducted by using the PCCB Public Addressing Vans during daytimes and the PCCB Inflatable Screen during night times by displaying dramas that carries Anti-Corruption messages.





4. Building Own Offices using own Staff (Engineers and Architects)

- For the purpose of saving the government funds, the Prevention and Combating of Corruption Bureau makes use of own officers who are professional Engineers and Architects to build own offices in 7 districts per year.
- The cost of one building amounts to **US\$38,000** to be completed in good standard due to own officer's supervision.



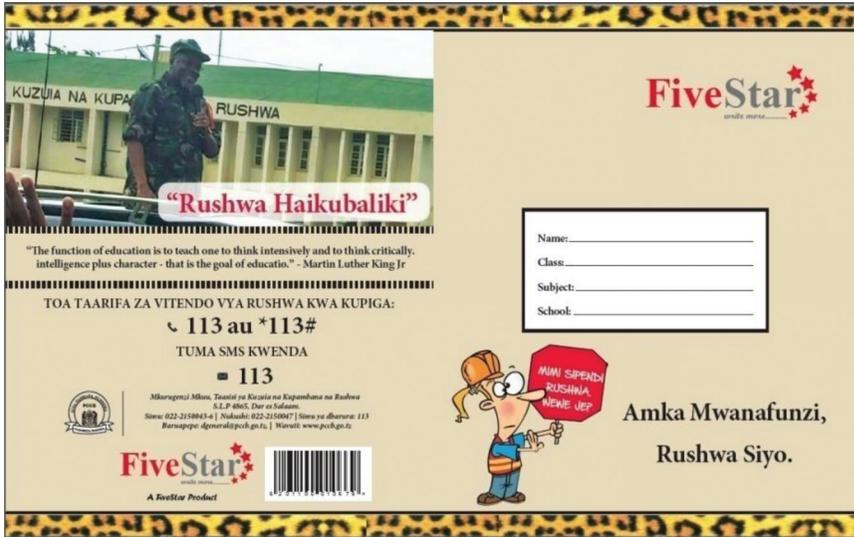
Bahi District Office Building

5. Printing of Anti-Corruption Messages in Students Exercise Books and Counter Books

- The focus of the Prevention and Combating of Corruption Bureau is educating the Youth with the aim of building new culture of hating corruption and changing the mind-set of the citizens.
- We are engaging different Youth groups who are in formal and informal sector like students from primary schools, secondary schools, Tertiary Institutions and Universities through anti-corruption clubs; seminars to motorcyclists (BodaBoda and Bajaj drivers), Sportsmen and Artists.

- Recently we engaged publishers of school's exercise books and counter books as part of their Cooperate Social Responsibility to print anti-corruption messages and anti-corruption cartoons at the covers of the school exercise book with the aim of reminding students their role in the fight against corruption. Some of the messages are:
- "Character is best shown when nobody is watching", "The duty of Youth is to challenge corruption", "Fighting corruption begins with you" etc.

School Exercise book



School Counter book



6. Anti-Corruption Messages display via UDART (mwendokasi buses)

- UDA Rapid Transit (UDART) is a bus rapid transit system that began its operations on 10th May 2016 at the city of Dar es Salaam. The government implemented this project because of the rapidly growing population of the city of Dar es Salaam which is over 5 million.
- We engaged UDART to display Anti-Corruption messages inside their buses television for passengers to see and hear about their role in the fight against corruption in our country.





Posters displayed in buses' TV with Anti-corruption messages



**UVUVI HARAMU KWA NJIA YA RUSHWA USIPODHIBITIWA UTAVA
MAZALIA YA SAMAKI NA KUPOTEZA PATO LA TAIFA**



TOA TAARIFA YA VITENDO
VYA RUSHWA KWA KUPIGA
SIMU YA BURE

  113
 113/ +113#

**RUSHWA IKIDHIBITIWA HOSPITALINI HUDUMA BORA ZA
AFYA ZITAIMARIKA**



TOA TAARIFA YA VITENDO
VYA RUSHWA KWA KUPIGA
SIMU YA BURE

  113
 113/ +113#

**NISITU IKISIMAMIWA NA KUVUNWA BILA RUSHWA
ITAONGEZA PATO LA TAIFA**



TOA TAARIFA YA VITENDO
VYA RUSHWA KWA KUPIGA
SIMU YA BURE

  113
 113/ +113#

7. Sector Investigation Teams

- In order to improve our investigations, we have divided the Directorate of Investigation into sector teams. Earlier we were operating into sections (Private Sector Investigation section, Public Sector Investigation section, Legal & Prosecution section and Information section (Intelligence & Surveillance).
- But now we have **10** teams of Investigation in the following format: Team Leader, Case Controller (Lawyer) and **8** Investigators.
- We have divided our teams in the following sectors:
 1. Tax Evasion team.
 2. Infrastructure and Communication team.
 3. Minerals, Industries, Investments and Environment team.
 4. Natural resources (Forest, Wildlife and Tourism) team.
 5. Land, Agriculture, Cooperatives, Livestock, Fisheries and Water team.
 6. Public parastatal bodies, social security funds and Non-Government Organizations team.
 7. Foreign Affairs, Parliament, Judiciary, Law enforcement organs, Immigration team.
 8. Asset Tracing and Recovery team.
 9. Education, Health, Media, Artists and Local Government team.
 10. Information, Intelligence and Surveillance team.

Challenges

1. **Lack of Political will in lower levels of the government:**
 - Absence of individual political will at the lower levels of government i.e. village heads, district heads and regions to compliment the political will at the top leadership.
2. **How change the mindset of the citizens** who have sadly got used to experiencing bribery as part of their normal lives and who no longer get surprised seeing corruption as the order of the day.
3. **Lack of sufficient human and other material capital** to adequately address the mandates that the anti-corruption agencies are duty bound to implement.
4. **International cooperation** on investigating Grand Corruption cases through Mutual Legal Assistance. It takes longer time to receive response of requested evidence from abroad or sometimes other Countries refused to cooperate.
5. **The Inadequate support from the citizens and the general public.** Without this support (from resisting to indulge themselves into corruption, to being at the forefront in exposing acts of corruption) effective implementation of the anti-corruption laws and ultimate control of corruption becomes difficult to achieve. This role is not adequately played by the public, and it poses a challenge in the implementation of anti-corruption laws.
6. **Ineffective regime of legal sanctions.** This can be evident when one examines the legal sanctions provided by the Prevention and Combating of Corruption Act (PCCA), 2007. They appear to be lenient, and the preference of fines over imprisonment waters down the legal sanctions important to punish the offenders and discourage the potential offenders to indulge in corrupt activities.

We overcome these challenges by:

1. Enhanced political will to fight corruption at all levels of the leadership, instead of isolated incidences from the top leadership.
2. Regular review of the anti-corruption legislations/regime to fill in implementation gaps and do away with weaknesses by way of amendments or new enactments.
3. Continue with efforts and programs of enlisting the support of the general public. The public has a role to play, instead of concentrating in laying blames on the implementation authorities.
4. Need to continue building the capacities of the law implementation bodies in all aspects – professional, technical, resources- to enable them deliver what is expected of them.
5. Continue strengthening the investigation and prosecution of corruption, in particular among high-ranking officials.

4. GHANA**Success of Innovative Measures Undertaken in the Fight Against Corruption by Ghana****1.0. Introduction**

This paper is presented to the 7th Review Meeting of Heads of Anti-Corruption Agencies in Africa held at Nkopola Lodge, Akeshore Resort, Mangochi in Malawi. It discusses innovative anti-corruption measures that Ghana, through the Commission on Human Rights and Administrative Justice (CHRAJ) and the Economic and Organised Crime Office (EOCO), Ghana's two foremost anti-corruption agencies, implemented in the period. The paper also covers the successes made in the implementation of those measures as well as challenges encountered in the period. To lay the foundation for the paper, background information about the CHRAJ and the EOCO has also been provided.

2.0. Information About CHRAJ and EOCO

The Commission on Human Rights and Administrative Justice (the CHRAJ) was established in 1993 as a national institution that fuses in one office three different institutions: National Human Rights Institution, an Ombudsman and an Anti-Corruption Agency.

In the exercise of their functions, the three Commission members of CHRAJ are not subject to the direction or control of any person or authority. They cannot be removed from office except on grounds of proven stated misconduct and after elaborate and long procedures for their removal have been exhausted.

The functions¹ of the CHRAJ include investigating complaints of violations of fundamental human rights and freedoms, administrative injustice, instances of alleged or suspected corruption, misappropriation of public moneys by officials, abuse of power and unfair treatment of persons by public officers.

It also investigates complaints of non-compliance or contravention of the Code of Conduct for Public Officers under Chapter 24 of the Constitution, and may take such action as the Commissioner considers appropriate resulting from the investigations².

The Economic and Organised Crime Office (EOCO) was established to, among others, monitor and investigate economic and organized crime and on the authority of the Attorney-General, prosecute money laundering, human trafficking cyber and related computer offences. Its object is to detect and prevent organized crime in the country and generally facilitate the recovery of proceeds of crime.

Section 3 of the Economic and Organised Crime Office Act, 2010 (Act 804) provides that the EOCO shall have authority to investigate and on the authority of the Attorney-General, prosecute serious offences that involve financial or economic loss to the Republic or any state entity or institution in which the state has financial interest.³ It is also the responsibility of the EOCO to take steps to monitor, detect and take reasonable measures necessary to prevent the commission of those serious offences specified in the enabling Act.

In the performance of its functions, the Executive Director, the Deputy Executive Directors and officers authorized by the Executive Director shall exercise the powers and have the immunities conferred on a police officer in the Criminal and Other Offences (Procedure) Act, 1960 (Act 30), the Police Service Act, 1970 (Act 350) and any other law related to a police officer⁴

The EOCO also has power to request for information, upon warrant of a Court, enter a premises to search and remove a document specified in the application for a warrant (s. 20 of Act 804) or tainted property (s. 25 of Act 804), seize and detain currency suspected to be proceeds of crime for a period (s. 23 of Act 804). It can freeze property where is necessary to facilitate an investigation or trial of a person subject to confirmation by a Court of competent jurisdiction (s. 33 of Act 804).

The Whistleblower Act 720 also provides the CHRAJ and EOCO additional mandates to investigate disclosures of impropriety by whistleblowers. In addition, the Whistleblower Act provides the CHRAJ power, akin to those of the High Court, to protect whistleblowers from acts of victimization, which they may encounter as a result of blowing the whistle⁵.

Thus, the law places onerous responsibilities on the two institutions in terms of detecting, preventing, investigating corruption and related offences and recovering proceeds of corruption to the state.

That is why the two institutions have been in the forefront, since their establishment, to find appropriate strategies to combat corruption in the country.

3.0. Innovative Measures Implemented

The fight against corruption is a continuous process. At the previous meetings in Mauritius in May 2013 and in Accra in May 2014, we indicated that it was time we fought corruption with a difference and stressed the application of the integrity-based approach to fighting corruption.

We also reported that a number of innovative methods of combating corruption were undertaken then including the institutionalisation of corruption prevention mechanisms in government departments and the introduction of integrity enhancing mechanisms. Furthermore, we indicated that benchmarking programmes had been undertaken to sister institutions in Africa share experience on measures implemented in those countries that may be of interest to Ghana.

Since the 6th Review Meeting in Namibia in 2016, Ghana has taken these measures to another level. We intensified the implementation of the National Anti-Corruption Action Plan (NACAP), launched the Public Service Integrity Programme, developed

integrity compliance tools, trained Ethics Officers from 50 public sector institutions, prepared and laid the first progress report of implementation of the NACAP before the Parliament of Ghana for debate adoption.

3.1. NACAP: Ghana United Against Corruption

The implementation of the National Anti-Corruption Action Plan (NACAP), which brings the Public, Private and Civil Society Sectors together to address corruption as a collective responsibility, was intensified.

Implementation structures to provide policy guidance, assist implementing partners and track progress of implementation, were put in place and full implementation rolled out and facilitated by CHRAJ and stakeholders including the EOCO. Key among the programmes implemented under NACAP relevant for this paper include the launching of a Public Service Integrity Programme, capacity building, and development of integrity and monitoring and Evaluation tools.

Under the Public Service Integrity Programme, launched in the period, we trained Ethics Officers to assist manage integrity challenges in the public sector and inaugurated a National Ethics Advisory Committee (NEAC). These initiatives mark another milestone in the country's history to build a public service with a high level of integrity.

The NEAC, which should work in collaboration with the Ethics Officers, is to, among others, formulate a long-term plan for promoting high ethical standards in the public service and generally promote high ethical standards among public officers.

The Code of Conduct for Public Officers of Ghana requires steps to taken to prevent public officers from situations where their personal interests conflicts or may conflict with the performance of their functions⁶.

As part of measures to regulate gifts, potential sources of corruption and conflict of interest, tools were developed for use in public sector institutions. The tools include Gifts Disclosure form and Register of Gifts as well as Code of Conduct Compliance Questionnaire, which is intended to capture information by public sector institutions regarding the extent of compliance of the Code by public officers.

3.2. UNCAC Review Follow up Conference & Road Map

Having completed the 1st cycle review of the implementation of UNCAC (the Review) in 2015, both the CHRAJ and the EOCO, as members of the UNCAC Steering Committee, organized a Follow Up Conference in collaboration with the UNODC, Central & West Africa, in March 2016 and adopted a road map for the implementation of the recommendations of the Review in relation to criminalization, Law Enforcement and International Cooperation.

As a result, a number of Bills were worked on and presented to Parliament for consideration. These include the Witness Protection Bill, the Conduct of Public Officers' Bill and the Extradition Bill. Further discussions are being organized for Law enforcement and Anti-Corruption institutions by CHRAJ on the criminalization of illicit enrichment. A Real Estates Bill, as part of measures to curb money laundering in the estates sector, is also pending before Parliament.

3.3. Beneficial Ownership Legislation

In May 2016, Ghana made some commitments at the UK Prime Minister's Anti-Corruption Summit in London, to, among others, prevent the misuse of companies and legal arrangements to hide the proceeds of corruption and ensure that accurate and timely company beneficial ownership information, including in the extractives, was available and accessible to the public.

Both CHRAJ and EOCO worked hard with other key stakeholders and the Office of the President to have a law on beneficial ownership passed. The Companies (Amendment) Act, 2016 (Act 920) provides for transparency in respect of the ownership and registration of companies by the inclusion of the names and particulars of beneficial owners of companies in the register of members, and establishes a Central Register for beneficial ownership information to be managed by the Registrar of Companies and made available to competent authorities.⁷

3.4. Capacity Building

To position themselves for the implementation of public education role under the NACAP, some capacity building programmes were undertaken. The EOCO restructured its Public Education Unit to enable it perform its functions including through electronic media, operationalization of Call Centre, direct engagement with stakeholders (students, banks, artisans, SMEs, financial institutions, professional bodies, MMDAs, etc.), and informative website on the evils of corruption and its effects on the economy.

The CHRAJ on its part organised Training of Trainers programme for its Regional Directors. The Trainees would intend train over 100 District Directors of CHRAJ across country and engage public sector institutions at that level.

3.5. Coordination and Collaboration MOU for ACAs

As a country with multi-institutions responsible for corruption, measures to improve coordination and collaboration among the institutions were reviewed. An earlier Memorandum of Understanding (MOU) among anti-corruption institutions on information sharing was reviewed and a new one prepared for execution and implementation. The MOU would serve as a key framework for more structured and regular information sharing. It would also help prevent work overlap and turf battles.

Collaboration with CSOs

In the period, Ghana continued to collaborate and promote active participation of civil society organisations in the fight against corruption as has been in the past. Representatives of both the CHRAJ and EOCO participated in activities of the Advocacy and Legal Advice Centre (ALAC) of the Ghana Integrity Initiative, a TI Chapter in Ghana, with the aim of improving the environment for corruption reporting, follow up and providing support to victims.

In a similar vein, EOCO, in collaboration with the Ghana Extractive Industries Transparency Initiative (GHEITI) trained EOCO officers to address fraud, waste and abuse of public resources, among others. The training which included areas such as Procurement fraud, Anti-Money Laundering, cyber fraud, tax fraud and other offences bordering on dishonesty, was found very useful.

4.0. Challenges

Notwithstanding that the CHRAJ and the EOCO undertook the measures with considerable degree of success, they nevertheless encountered a number of challenges. These include lack of adequate funding, poor human resource base, over-politicisation of corruption and crime and a high tolerance for corruption by the population. However, the two institutions are convinced that with determination, they can overcome the challenges.

In the year, both CHRAJ and EOCO received new chief executives. The New Commissioner CHRAJ was appointed in December 2016 and the Executive Director of EOCO took office in February, 2017. Both have pledged to serve honestly and work towards ensuring that the agencies deliver on their respective mandates.

5.0. Conclusion

The measures implemented in the period and their potential impact provide the CHRAJ and the EOCO inspiration for undertaking more innovative strategies to confront corruption. This is further strengthened by the resolve of the current government to establish an Office of Special Prosecutor for corruption offences as well as provide adequate resources for the implementation of the National Anti-Corruption Action Plan.

5. KENYA

Country Paper on Innovative Initiatives Implemented in the Fight against Corruption

1. Introduction

1.1. Background

During the 6th Commonwealth Conference for Heads of Anti-Corruption Agencies held in Namibia in May 2016, the Ethics and Anti-Corruption Commission of Kenya made a presentation on the study visits as a strategy in the fight against corruption. The overall aim of the visit was to learn how to establish an Anti-Corruption Academy in order to augment the fight against corruption and economic crime. The Commission aims at having a transformed skilful human resource capable enhanced integrity and ethical behaviour in the fight against corruption.

1.2. Innovative Initiatives 2017

This year, the EACC presents on two key innovations, the Multi-Agency Team approach on enhancing the investigation and prosecution of corruption and economics crimes (MAT) and investigative system.

The MAT is cost effective system that enables cooperation, collaboration and coordination in law enforcement agencies. Multi-Agency Team was established following a recommendation by a Task Force aimed a reviewing of Anti-Corruption Legal, Policy and Institutional Framework. The Task Force held that Kenya had many agencies playing different roles in the criminal justice system (law enforcement, prosecution and adjudication). However, there is lack of cooperation, coordination and collaboration by the key players with each agency tended to protect own turf, and act in isolation. This state of affairs had been exploited by criminals as Agencies get played against each other, general lack of trust among agencies, and failure to share intelligence and information. It was therefore recommended that the agencies in law enforcement in particular, and the players in the criminal justice system in general take

measures to coordinate and cooperate in the performance of their mandates. The MAT comprised the principal agencies and the rest are co-opted based on the nature of the cases being handled. The principal agencies are: Office of the President (OP); Ethics and Anti-Corruption Commission [EACC]; Director of Public Prosecutions [ODPP]; National Police Service, Directorate of Criminal Investigations (DCI); National Intelligence Service [NIS]; Financial Reporting Centre [FRC]; Asset Recovery Agency [ARA] and Kenya Revenue Authority [KRA]. Others agencies that have co-opted include Communications Authority of Kenya (CAK); Kenya Wildlife Services (KWS); Kenya Forestry Services (KFS); Anti-Counterfeit Agency (ACA); and National Transport and Safety Authority (NTSA).

The investigative system provided platform for capture of the perceived or real corruption cases by members of the public and other stakeholders. The Reports and Data Centre used to handle and manage all their data information in manual files and folders, there were no systems in place that could help analysts and investigators handle enquiries. This led to disorganization of the cases occasioned by loss of files, duplication of files.

1.2.1. MULTI-AGENCY TEAM on Enhancing the Investigation and Prosecution of Corruption and Economic Crimes in Kenya

1.2.1.1. Structure of the Multi-Agency Team

- a. **High Level Team:** The heads of the agencies constitute the High Level Consultative Team of the MAT at the national level. The Secretary/Chief Executive Officer of EACC is the Convener, whereas the OP representative is the Secretary.
- b. **Technical Committee(s):** Members of the Technical Committee (TC) are nominated from each agency, and their main function is to facilitate liaison among the agencies on technical matters. TCs are established at both National and County levels
- c. **County Multi-Agency Teams:** Every County has MAT team, whose make up and representation mirrors the National MAT structure. Each County MAT elects a chair and a secretary. Every agency also appoints a technical liaison officer.
- d. **Secretariat:** The Secretariat undertakes secretarial work and coordinates activities for the MAT, at all levels of the structure. It comprises members of staff nominated from the MAT agencies.

1.2.1.2. Areas of Focus

- a. **Corruption** – Recognized as the main enabler for commission of crimes and formation of cartels
- b. **Economic Crime** – To address loss of government revenue
- c. **Other Organized Crimes** – Include terrorism, trafficking, smuggling, poaching, money-laundering, etc
- d. **Cartels/Syndicates** – Criminal Public Private Partnerships on which crime thrives.

1.2.1.3. Terms of Reference

- a. **Enhance cooperation, coordination and collaboration among the agencies**
 - Joint investigations undertaken, many files have been jointly finalized.

- Sharing of information and intelligence among the agencies on real time basis
- Simultaneous actions e.g., prosecution, civil action, administrative action asset recovery
- Protection (freezing) and confiscation of suspect assets/property
- Decentralization of decision making at ODPP is being worked on.
- Replication of the collaboration in the Counties.

b. **Engagement of other stakeholders**

- Engage other relevant agencies in order to enhance the effectiveness of the war on corruption.
- Outsourcing specialized prosecution services to external lawyers on identified complex and high profile matters
- Outsourcing skilled legal services for recovery of corruptly assets
- Training of prosecutors and investigators
- Building long term capacities of institutions
- Provision of modern equipment for investigations and prosecution
- Provision of sufficient funds for the implementation of programs
- Set up of a special fund to facilitate investigation and prosecution of identified high profile matters

Judiciary – has initiated day to day hearings, established corruption and economic crimes division and tax division in the High court.

CBK – Strict enforcement of mobile money transfer requirements.

CAK – is now implementing wide range of measures on cyber security.

NTSA – Real time information on ownership of suspect motor vehicles.

Establishment of a centralized government data platform is in progress.

Other key agencies include KWS, ACA, KFS, Companies Registry, and Ministry of Lands.

a. **Mobilizing resources for the key actors**

- Capacity of the FRC and the ARA being enhanced.
- Forensic laboratories for DIC and EACC being set up.
- Investigative tools and equipment to be modernized.
- Resources for engagement of external skills and capacity, on a need basis have been availed to ODPP, EACC and ARA.

b. **Communication strategies and awareness creation**

- Enhancement of communication by each agency
- Joint communication strategy being implemented
- Communication expert being procured

1.2.1.4. Achievements of the Multi-Agency Team

- a. Cooperation, collaboration and coordination strategy
 - Joint investigations undertaken, 15 high profile cases handled; including 5 Cabinet Secretaries, 5 Principal Secretary, 2 Chief Executive Officers, 2 Governors, 10 Senior Managers of state Corporation
 - Evaded tax amounting to USD 20million was recovered through the framework.
 - Sharing of information and intelligence among the agencies on real time basis
 - Simultaneous actions e.g., prosecution, civil action, administrative action asset recovery
 - Protection (freezing) and confiscation of suspect assets/property. For example, in one case USD. 4.56 Million worth of property confiscated. In the process for the full recovery in the Court of Law.
 - Decentralization of decision-making at prosecutor's office
 - Replication of the collaboration in the Counties
- i. **Engagement with other stakeholders**
 - a. Judiciary – has initiated day to day hearings, established corruption and economic crimes division and tax division in the High court
 - b. CBK – Strict enforcement of mobile money transfer requirements.
 - c. CAK – is now implementing wide range of measures on cyber security.
 - d. NTSA – Real time information on ownership of suspect motor vehicles.
 - e. Establishment of a centralized government data platform is in progress.
 - f. Other key agencies include KWS, ACA, KFS, Companies Registry, and Ministry of Lands
- ii. **Mobilizing resources for the key actors**
 - a. Capacity of the FRC and the ARA being enhanced.
 - b. Forensic laboratories for CID and EACC being set up.
 - c. Investigative tools and equipment to be modernized.
 - d. Resources for engagement of external skills and capacity, on a need basis have been availed to ODPP, EACC and ARA.

1.2.2. Investigative System

The Reports and Data Centre, a department within the Commission, used to handle and manage all their data information in manual files and folders. There was no system in place that could assist analysts handle complaints and related information. Each investigator stored data manually. This presented numerous problems such as:

- Duplication of records
- Lack of quick and reliable storage and access to data and Information
- Lack of effective management of information.

The system was developed in the year 2013 and has continuously been improved over time. Some of the improvements that have been made over time include:

- Self-declaration form management.
- Investigations Register.
- Improved web interface and a mobile friendly interface
- Analytical and Visualization components.
- Reports generation

The project aimed at to automating the process of receiving and processing corruption complaints from members of the public. Members of the public from other government agencies and bodies.

1.2.2.1. Innovation

The system has been developed internally through an employee suggestion scheme- structured way through in which employees could make suggestions for improvements. A rapid prototyping approach was adopted in its development so as to develop a system that was adaptable to the investigator/ user's unique needs. The result was a highly cost effective and very efficient system that has improved the performance of reports management within the department and through the Commission. The system has evolved to include the management of vetting information and an investigations register. The system has allowed the department to easily keep track of client reports and trace their progress through the Commission's workflow. The department has moved from manually filling and storing reports received to a paperless automated system. This system is original and has been developed from the ground up.

1.2.2.2. Results of the innovation

The system developed is currently being used within the headquarters and all the Commissions Regional Offices. Over 100 Staff member's access and use the systems. The system is currently holding the following data:

- Complaints database that has over 61,000 reports
- Over 28,000 Self Declaration forms
- Over 15,000 Organizations Profiled based on Reports received and Investigations conducted.

The Commissions service delivery in relation to reporting has greatly improved by as much as 80%. Analysts have access to information dating back 15 years by the click of a button, ad-hoc reports can be instantaneously generated. Some of the reports and statistics that can be generated instantaneously include:

- Compilation of the Monthly reports for the Investigations Directorate.
- Compilation of Quarterly and Annual Reports for the Directorate.

Processed numerous data and statistics requests from external agencies such as Kenya National Bureau of Statistics

1.3. Main Challenges and Lessons

1.3.1. MAT

The main challenge noted was the mistrust emanating from the employees from respective partner agencies, especially on the release of information. The consistent flow of engagement with Heads of Agencies gave the much needed assurance to staff and forestall further mistrust.

1.3.2. Investigative System

A number of challenges experienced during the implementation include:

- Changing requirements from users of the system made the development process complex and time consuming
- Lack of appropriate hardware and software to both develop the system and maintain its use.
- Lack of adequate skills and expertise required to develop complex systems.
- Lack of adequate funding at the initial stages.

These challenges were overcome through the tremendous support given to the implementing department by management. Adequate human and financial resources were availed so as to ensure the implementation of the project is a success.

1.4. Reflections and lessons learnt

1.4.1. MAT

Multi Agency Team on enhancing the investigation and prosecution of corruption and economic crime has synergy the fight against corruption in Kenya. The joint effort has helped in subduing the offenders leading to reduced incidences. The Agencies cooperation, coordination and collaboration has filled in the gaps earlier experienced and reinforced the need for the brotherly love in combating corruption.

1.4.2. Investigative system

The constant improvement of the system has enabled the efficacy in investigation work flow and enhanced the completion rate of the files. The loss of files or documents in respect of the case is no longer tenable. Further, an investigator can easily trace the file on the required timelines for the completion of the case.

6. LESOTHO

Innovative projects in the fight against corruption: 'Milestones and Challenges'







7. MAURITIUS

'Fighting Corruption and Money Laundering: A co-ordinated strategy for enhanced effectiveness', presented by ICAC Mauritius

Introduction

The Republic of Mauritius has a population of around 1.3 million inhabitants and has, since its independence in 1968, enjoyed political stability and sustained economic growth. The country has a transparent legal and regulatory environment, epitomized by an independent judiciary. Its economy relies on four main sectors, including the sugar sector, tourism, the financial services sector, and information technology. It also relies on open trade. The Government places a strong emphasis on combating corruption and money laundering.

The Independent Commission Against Corruption (ICAC)

Following the enactment of the Prevention of Corruption Act and the Financial Intelligence and Anti-Money Laundering Act (FIAMLA) in 2002, the Independent Commission Against Corruption (ICAC) was set up in Mauritius in 2002 to fight corruption and money laundering. These two pieces of legislation define the mandate of the Commission to investigate corruption and money laundering. The legislation is designed in conformity with the requirements of the UNCAC and the FATF.

Since its inception the ICAC has adopted the three-pronged strategy to address the scourge of corruption in Mauritius, namely, investigation, prevention and education. During its fourteen years of existence, the ICAC has continuously engaged in making corruption socially unacceptable. At the same time, one of the main challenges that the ICAC has continuously faced is to deal with the media and the political class. In its strategy to fight corruption and money laundering, the ICAC collaborates with other stakeholders, including the Police Force, the Financial Intelligence Unit, the financial regulators, the Customs Department, the Prison Service, civil society and the media.

Investigation remains the primary mandate of the ICAC

At the ICAC, prevention and education are two essential tools in the fight against corruption along with investigation. In 2016, the Prevention Branch of Corruption and Education Division of the ICAC has conducted 18 Corruption Prevention Reviews in some 18 public institutions and ministries which comprised 305 recommendations to improve their systems with a view to rendering them less prone to corruption and other malpractices. The Education Branch conducted more than 115 activities meant to educate the youth and the general public on the dangers of corruption. However, the undeniable fact remains that investigation attracts more the attention of the public and the media; it is the area that they use to assess the effectiveness of the ICAC. Indeed, it is a world-wide truth that the efficacy of any anti-corruption agency is always measured by the number of convictions it secures over the years, more specifically by the number of high profile cases that it brings to the court for adjudication.

The table below shows the number of corruption and money laundering investigations conducted by the ICAC in years 2014 to 2017 (as at 22 May 2017) and the number of convictions it has secured for the same period.

	2014		2015		2016		2017 (As at 22/5/2017)	
	Corruption	Money Laundering	Corruption	Money Laundering	Corruption	Money Laundering	Corruption	Money Laundering
<i>Investigations initiated</i>	434	61	481	95	532 ^a	123	260	113
<i>Cases before court</i>	122	56	122	66	110	69	78	60
<i>Convictions</i>	5	13	9 ^a	10	17	9	5	2

The ICAC's shift from reactive to proactive investigations

More as a matter of strategy than anything else, the ICAC has, for a long time, focused on reactive investigations, which were initiated on the basis of complaints received at the Commission. As a matter of fact, the majority of complaints received were corruption-related, and our main focus, as an investigatory body, was to secure convictions. The major flaw of this strategy was that it did not emphasise on the link between the corruption proceeds and money laundering, such that we hardly looked at the assets of officials suspected or convicted of corruption. Our money laundering investigations were also reactive, essentially resulting from complaints made, although they incorporate an element of proactivity in the use of financial investigation tools provided by the law. With the advent of the new management since July 2016, the Investigation Division of the Commission has realised that however positive its actions with regard to investigation, yet in most cases the culprits' illicit gains had, in the past, generally not been subject to investigation for eventual confiscation. Assets recovery is the very purpose of corruption and money laundering investigations.

The reason behind that lack of interest to do such investigation was either because the corruption proceeds were considered too insignificant or because the investigation would involve too much resources or even the anticipated failure to track the ill-gotten gains. On the other hand, the Police investigation of drug traffickers were mainly confined to destroying the supply chain and prosecuting the dealers. However, the assets accumulated by the latter out of their illegal activities were, until recently, not been the subject-matter of any proper investigation for eventual confiscation. This failure has had these inevitable consequences: the criminals would launder their ill-gotten gains once they recover their freedom; many would even reinvest the crime proceeds in their unlawful undertakings.

Since November last year, the Commission has decided to take the bull by its horns and to wage a relentless war against money launderers. In a bid to innovate in its investigation, the Commission has constituted a team consisting of police officers who are experienced in field intelligence to carry out surveillance and gather information on ground against potential money launderers. The aim is to move from reactive to proactive investigation with a view to fighting corruption and money laundering specially those who are reasonably suspected of having acquired their riches from drug trafficking. Since this team is in operation, there has been a significant increase in the number of money laundering investigations at the ICAC. Before the Commission gives a go-ahead for a money laundering investigation, a systematic analysis of the criminal antecedents of the potential suspect is made along with all his acquisitions. The purpose of this analysis is to determine whether there is evidence to account for a predicate offence to a money laundering charge. This is what has happened in a series of drug trafficking related money laundering investigations that the Commission is currently conducting. This new strategy is to lay

hands on the illicit wealth acquired by criminals. In this respect, from October 2016 to date (22 May 2017), the Commission has applied and obtained Attachment Orders on the assets¹⁰ of some 80 persons suspected of money laundering totalling to approximately 55,500,000 MRU (equivalent to 1,540,000 USD).

The case for increased cross-agency cooperation

This new approach to investigation has, since the beginning of 2017, had the positive result of incentivizing the other law enforcement authorities to activate their mandate to investigate those predicate offenses. This has resulted in the Mauritian authorities intercepting inbound cargos of hard drugs on 3 occasions, with an estimated market value of over US \$ 40 million. This new strategy was a wakeup call for everybody concerned about the fight against drug-trafficking. This new strategy also brought to the front the need for greater coordination and collaboration among the law enforcement authorities and the other stakeholders engaged in the fight against crimes, notably the Police, the ICAC, the FIU, the Prison Services, the Customs Department, and civil society.

However, well before the above operations, the ICAC has already embarked itself in its process of reinvention to enhance its operational effectiveness in order to add value to the country's development. In this regard, we had started to develop a working relationship with the relevant authorities, particularly the Financial Intelligence Unit, the Mauritius Police Force, and the Prisons Department in order to identify and profile persons involved in the drug trade. Strictly speaking, this collaboration revealed that the drug business in Mauritius was being operated through an organised regional network, comprising convicted and imprisoned drug dealers as criminal masterminds as well as ex-convicts and other associates (prison officers, police officers, unlicensed money changers, etc.) as middlemen. Central to our strategy was the identification of the link between drug trafficking, corruption and money laundering for the purpose of tracing the assets of these persons with a view to ultimate confiscation.

Our main partners

At ICAC, we are very much alive to the fact that we would not be achieving meaningful results without the contribution of the following stakeholders:

The Financial Intelligence Unit

By the very nature of its function, the FIU proactively analyses suspicious transactions, based on reports from both financial and non-financial institutions, and links it to information from different sources. Most pertinently for money laundering investigations, it has access to bank data without the need of going through lengthy Court procedures, and can, through unofficial channels, obtain information from similar institutions abroad.

The Mauritius Police Force (the MPF)

The Anti-Drug Smuggling Unit (ADSU), as a specialised section of the MPF, maintains a solid web of informers, which frequently turn out to be a rich source of behind-the-curtain information on the drug business. Additionally, the MPF provides us with logistic and man-support during our search operations on the premises of suspects

The Mauritius Prison Service

The ICAC's working relationship with the Prison Department was, in the past, a much under-utilized one. Ever since we started tapping into its intelligence database, we have made tremendous advancements in our investigations on drug traffickers, largely due to the situation whereby an "elite" group of prisoners appear to be pulling the strings of the drug business.

The Mauritius Revenue Authority

The MRA has as mission the collection of taxes for and also the control of imports into and exports outside the State of Mauritius. The Commission has established excellent working relationship with the MRA, in terms of sharing information on the declared revenue of suspected individuals, including importations effected by those who are on the red list of the Commission. These pieces of information are often crucial to a successful prosecution for money laundering.

Civil Society

The ICAC's Corruption Prevention and Education Division, though not being involved in investigations, has nonetheless managed to bridge the gap between civil society and operations, particularly through their experience at building and maintaining trust in ICAC. In the course of investigations, various representatives of civil societies, taking the forms of complainants, informers or whistle-blowers have given workable leads on a number of cases.

The challenges facing us

The joint efforts against money launderers will only be fruitful if the criminally-funded properties and assets are confiscated. At the level of investigations, no effort is being spared in order to bring the criminals to justice. Our biggest challenge is to gather admissible evidence to pass the required test of "beyond reasonable doubt" in court. Once this stage is complete, asset recovery, whether conviction-based or through civil proceedings, can be initiated. However, our Asset Recovery legislation is relatively new and untested, in which case, the ultimate objective which is set has no guarantee of success.

The emerging money laundering schemes pose new and evolving challenges to investigators. Whilst the traditional schemes (such as casinos, horse racing, the use of nominees, investment in property and assets, etc.) carry their usual load of complexity, we have had, during a specific case, an indication that a particular group is using crypto currencies, particularly Bit coins, to acquire assets. Given the unregulated market of crypto currencies as well as the anonymity surrounding it, the tracing of criminal money now has an added level of difficulty.

Money launderers increasingly use the technologies driving globalisation to move the criminal monies and assets across the world. In which circumstance, evidence to strengthen an investigation is not necessarily bound within the territorial limits of a given country. However, the concrete effectiveness of Mutual Legal Assistance (MLA) to a criminal investigation is subject to much debate, in the light of the length of the whole process and the non-guarantee of obtaining admissible evidence. The MLA issue is a recurrent problem which is regularly discussed in international forums and, in spite of stated commitments on the part of member States to facilitate assistance, an established solution is yet to be found.

The way forward

At ICAC, we have put in place the necessary structure for the optimization of multidisciplinary teams to work on cases. A typical investigation team comprises investigators with recognised capabilities to analyse financial/economic records as well as electronic data. We use a comprehensive approach to investigations, including audio-video interviewing. A Research Unit has also been set up with the mandate to, inter alia, research on the best and tested practices/methods which would help us to improve ours in order to be armed to face the current and future challenges.

This new strategy, however, requires reinforced capabilities and legislative improvements that can move the money laundering campaign forward. For example, the ICAC is now embarking on a major review of the legislation which dates back to nearly 20 years. Furthermore, we would like to emphasise the need for effective collaboration and coordination among law enforcement agencies.

8. NIGERIA

'Implementation of Whistle Blower Policy in Nigeria', presented by Ibrahim Magu Ag., Chairman of the Economic and Financial Crimes Commission (EFCC), Nigeria

Brief Introduction and Background

The Federal Government of Nigeria through the Minister of Finance announced the adoption of a Whistle Blower Policy (the Policy). The Policy is designed to encourage anyone with information about a violation of financial regulations, mismanagement of public funds and assets, financial malpractice, fraud and theft to report it.

The primary goal of the policy is to support the fight against financial crimes and corruption by increasing exposure of financial crimes and rewarding whistle-blowers. To promote such exposure, whistle-blowers are encouraged and offered protection from harassment or intimidation by their bosses or employers. The hope is that more looted funds will be recovered through the encouragement of voluntary information about corrupt practices.

A Whistle-blower responsible for providing the Government with information that directly leads to the voluntary return of stolen or concealed public funds or assets may be entitled to anywhere between 2.5%–5.0% of amount recovered. To qualify for the reward, the Whistle-blower must provide the Government with information it does not already have and could not otherwise obtain from any other publicly available source to the Government. The actual recovery must also be as a result of the information provided by the Whistle-blower.

The Economic and Financial Crimes Commission, Nigeria (the Commission) is charged with the statutory mandate to investigate, prosecute and take all necessary measures to reduce financial crimes and corruption in Nigeria under the Economic and Financial Crimes Commission (Establishment, Etc) Act. The adoption of the Policy significantly addressed the problem of low reporting of corruption and financial crimes encountered by the Commission in discharging its mandate. Before the adoption of the Policy, the Commission receives information vide petitions alleging economic and financial crimes. While the petitions have assisted the Commission in

launching investigations resulting in successful prosecutions and recoveries of illicit funds, there is a general unwillingness of some members of the public to volunteer vital information to assist the Commission. With the adoption of the Policy and the financial incentive attached to providing credible information it became necessary for the Commission to strategize to enable it cope with the likely deluge of whistle blower information.

Innovative Whistle-Blower Strategy

The Commission evolved an innovative strategy to enable it fast track and respond promptly to whistle-blower information. The Commission has its head office in Abuja (the Federal Capital Territory of Nigeria) with Zonal Offices spread across Nigeria's geo-political zones. A Special Unit was established in all the Zonal Offices of the Commission to respond to whistle-blower information. This Special Unit was established to ensure rapid response to whistle-blower information and to ensure the protection of the identity of whistle-blowers. The Special unit operates under a protocol designed to ensure the protection of the identity of whistle-blowers and ensure a steady and uninterrupted flow of whistle-blower information. Protection of the identity and well-being of whistle-blowers is vital to ensuring that the members of the public with relevant information come forward to assist the authorities. The special units coordinate and respond to information flowing from members of the public, government ministries, departments and agencies and from the Nigerian Financial Intelligence Unit. The operational guidelines required the Zonal Offices to respond to all whistle-blower information received without wasting time to ascertain whether the information is credible or not. This approach was adopted to enable officers respond effectively and efficiently and avoid time lapse during which the persons in possession of illicit funds may relocate the funds and prevent its recovery. There is a real possibility that owners and persons in custody of illicit funds fully aware of the adoption of the Policy by the Government may frequently change the location of such funds to keep them away from the authorities. The Zonal Heads were also authorised to respond to whistle-blower information first and brief the headquarters on their findings later.

The Special Unit also established a special working relationship with the Federal Ministry of Finance (FMF). The FMF established a secure online portal that enables whistle-blowers to provide secure information about illicit funds and other economic crimes. The information is then shared with the Special Unit where it is processed and acted upon swiftly.

Challenges of Implementing the Innovation

The following challenges were encountered in implementing the innovation. There was a sudden increase in the number of whistle-blower information coming to the Commission. The initial challenge was how to rapidly respond to whistle-blower information amidst other competing statutory mandates of the Commission. This challenge was solved by creating a special unit to respond to such information across the Zonal Offices of the Commission.

The second challenge is the frustration often experienced where information received from a whistle-blower is acted upon without yielding any fruits. Determining at the stage of the receipt of the information whether it is credible or not is not a viable option because failure to promptly respond may lead to the relocation of the illicit funds. It is also difficult to determine afterwards whether the information provided to the Commission is credible to the knowledge of

the informer or whether it is not. Some of the informer may have acted based on honest bona fide suspicion without being able to verify the credibility of the information.

Results of the Innovation

The innovation has empowered the Zonal Offices of the Commission to promptly and efficiently respond to whistle-blower information without waiting for clearance from the Headquarters. The following sums to date have been recovered pursuant to the Policy: N521, 815,000.00 Nigerian Naira (about \$1.6 Million Dollars), \$53,272,747.00 US Dollars, £122,890.00 UK Pounds Sterling and €547,730.00 Euro. A substantial part of the recovered sum is linked to former and present serving public officers. The sums recovered from such former public servants cannot be justified having regard to their known lawful means of income while occupying public office.

The recovery of illicit funds has added impetus to the fight against financial crimes and corruption in Nigeria. It has also publicised the Policy with the attendant consequence of engendering public confidence and support for the Government's anti-corruption efforts.

Reflections and Lessons Learnt

Adoption of a whistle-blower policy in tackling corruption is very likely to create a surge in the number of information relating to the existence of illicit funds and economic and financial crimes. Anti-corruption agencies should design a strategy to cope with the anticipated increase in the reporting of economic crimes.

Rapid response to processing of information is critical to prevent persons in possession of illicit funds from relocating the funds and hiding them from the authorities. Adequate measures should be taken to safeguard the identity of whistle-blowers and to protect them from possible reprisal attacks. Many of the whistleblowers who came forward expressed serious concerns about their identify and safety.

Recommendations

Presently, the Whistle-blower Policy is still at the level of Policy in Nigeria. There is the need to take a further step of enacting a legislation to provide a framework for its application in Nigeria. The legislation should also contain provisions to assist the authorities to take all necessary steps to protect the identity of informants. The enactment of such legislation will give needed comfort and assurance to potential whistle-blower that the Policy is backed with relevant legal provisions. A Bill providing for the Policy is currently pending before the National Assembly (the legislative body).

9. ZAMBIA

'Innovative Project in the Fight Against Corruption: Success story', by Zondwayo Soko

1.0 Introduction and Background

1. The Anti-Corruption Commission is the primary agency mandated to spearhead the fight against corruption in Zambia. The Anti-Corruption Act No. 3 of 2012 gives the Commission mandate to carry out the following functions:
 - i. Educating the public on matters of corruption and enlisting public support.
 - ii. Preventing corruption in both public and private bodies.
 - iii. Initiating, receiving and investigating allegations of corruption
 - iv. Prosecuting cases of corruption
2. This mandate is set within the overall National Anti-Corruption Policy Framework of zero tolerance to corruption. The policy seeks to promote transparency, accountability and good governance through preventing and combating corruption.
3. In order to effectively deal with the corruption scourge, the Commission believes in a holistic approach to the problem, which requires strategies for both prevention and combating the scourge. In developing these strategies, the Commission is guided by the National Anti-Corruption Policy, the organizational Strategic Plan, the ACC Complaints Review Reports, the Auditor-General's Reports and other national and international anti-corruption surveys. These programs are highlighted in this paper.

2.0 Innovations of Anti-Corruption Projects and Results

2.1 Coordinated Approach in Fighting Corruption

Government through the Anti-Corruption Commission developed and launched the National Anti-Corruption Policy in 2009. The Policy has interventions at three policy levels namely; *Legal, Institutional and Social* levels. At the Legal level, the Policy aims at strengthening the anti-corruption laws and regulation. At the Institutional level, the Policy intends to enhance coordination among governance and oversight institutions while at Social level, the Policy is meant to develop, review, coordinate and implement social mechanisms for the anti-corruption fight.

The achievements of the Policy Implementation at each level are as follows:

2.1.1 Legal Level

The Anti-Corruption Act has been reviewed twice, in 2010 and 2012 and this was with a view to make stronger and effective.

Other anti-corruption laws have also been introduced and these include:

- Public Interest Disclosure (Protection of Whistle Blower) Act 2010.
- Forfeiture of Proceeds of Crime Act 2010.
- Plea Negotiations and Agreement Act 2010.
- Financial Intelligence Centre Act 2010

- Anti-Money Laundering Amendment Act 2010

2.1.2 Institutional Level

The Institution level incorporates a number of preventive measures and these are as follows:

- Integrity Committees:** Integrity Committees (IC) are Committees established to spearhead the prevention of corruption and related malpractices in both public and private institutions. The Objective of the IC is to be proactive rather than reactive in the fight against corruption by mainstreaming corruption prevention in the routine business of the organization. Currently, 54 Integrity Committees have been established to spearhead the prevention of corruption both in public and private institutions.

ICs spearhead the process of corruption prevention by facilitating the development and implementation of best practice documents such as:

- Codes of Ethics,
- Conflict of Interests guidelines,
- Gift Policy/Guidelines,
- Recruitment and Promotions Guidelines,
- Procurement Guidelines (ZPPA for Public bodies),
- Post-employment Policy,
- Operation Manuals/standards,
- Service charters/information posters,
- Customer complaint and feedback system,
- Whistle Blower Policy.

Furthermore, ICs receive, consider and provide redress on all complaints of ethical and maladministration nature in their institutions, make follow ups on Audit Reports (Internal & external) and come up with remedial measures as well as refer all Complaints outside the Committee's mandate to the other relevant institutions.

Achievements recorded by various Integrity Committees include the following:

- Introduction of a clause in the Permanent Secretaries' Contracts that ensures that they are accountable for integrity building in their institutions
- Establishment of Codes of Ethics/conflict of interests at local authorities, pension institutions and revenue collection institutions.
- Implementation of Gift Policies in various public institutions.
- Establishment and operationalization of Customer Service Centres and Complaints handling systems in a number of public institutions.
- Implementation of Client Service Charters in many public institutions.
- Creation of collaborative partnerships with the Road Sector Integrity Committees (Road Transport and Safety Agency, Road Development Agency and National Road Fund Agency), the Border Point Integrity

Committees, (Zambia Police, Department of Immigration, Zambia Revenue Authority, and Zambia Bureau of Standards). These often hold joint stakeholder sensitization workshops;

- vii. Implementation of Ethical and Integrity Committees sensitization programs to members of staff.
- b. **Establishment of Working Memorandum of Understanding:** Memorandums of understanding have been entered into with some institutions in order to facilitate ease of information exchange and work flow. Some of these institutions include:
- The National Procurement Authority
 - The Auditor General's Office
 - The Patents and Companies Registration Agency
 - The Nursing Council of Zambia
 - Transparency International
- c. **Corruption Vulnerability Assessments:** Corruption Vulnerability Assessment (CVA) is a process used to identify areas prone to corruption in an organization. It involves working with a client organization to assess its work processes that might be susceptible to corruption and other malpractices.
- Institutions where CVAs are conducted are identified through ACC statistics, Auditor General' reports, Transparency International Zambia local Bribe Payers Index, volume of public funds administered in the institution and Level of interaction with the public.
- So far ACC has conducted over **20** Corruption Vulnerability Assessments with the latest ones being at National Pension Scheme Authority in the operational areas of Contributions, Benefits, Projects and Procurement and Zambia Daily Mail in the operational areas of Procurement/Finance, Sales, Human Resource and Editorial.

Some achievements have been recorded in some institutions as follows:

- i. **Road Transport and Safety Agency:** A CVA was conducted in 2011. The measures that have been put in place at this institution include:
 - a. Road Tax Pay Points which have considerably been decentralized, thereby reducing congestion and corruption vulnerability.
 - b. Complaints handling mechanism which has promoted fairness.
 - c. In 2013, the institution began employing full time officers while previously; it had part time traffic and road inspector whose stay was not stable thereby making susceptible to corrupt practices.
- ii. **Road Development Agency:** A CVA was conducted in 2011. The measures put in place include:
 - a. Random inspection of mobile weigh bridges now being undertaken twice per month;
 - b. Increased revenue collection, from US \$ 1.3 million a month in 2010 to US \$ 5 million a month in 2013;

- c. Re-engineered a Weigh Bridge in 2013 and included CCTV to prevent manipulation and tempering with the loads;
 - d. An Integrity check on one of the Roads in the country was done in 2011 and it was found that there was non-compliance of specifications. The contractor was recalled to do some works so as to comply. An Integrity check on another Road conducted in 2011 found that there was compliance on road construction specifications.
- iii. National Institute of Public Administration (NIPA): A CVA was conducted in 2014. The measures put in place are:
- a. Streamlined process of Room Allocation with a Committee in place;
 - b. The Development and enhancement of the Examination Strong Room
 - c. Automated systems for Student registration and Results and on-line payment systems;
 - d. Procurement Unit is fully functional and the head has a direct reporting line to the CEO;
 - e. Enhanced Examination fees and Tuition fees payment system

2.1.3 Social Level

The following programs and achievement have been recorded at the Social Level of the Policy.

- i. **Rural sensitizations:** Community awareness activities have been ongoing. Traditional leaders have been engaged and sensitization workshops conducted with them. In addition, public sensitizations across the country reach over 2 million people annually.
- ii. **School Curriculum:** The Anti-Corruption Commission in conjunction with the Ministry of Education, Curriculum Development Centre has introduced some anti-corruption topics in the Civic Education Curriculum for grades 1 to 12. The Topics cover a wide range of issues on corruption and integrity.
- iii. **Anti-Corruption National Slogan:** During the commemoration of the 2017 National Anti-Corruption Day on 9th December, His Excellency the President of the Republic of Zambia Mr. Edgar Changwa Lungu, through Her Honour the Vice President of the Republic of Zambia Mrs. Inonge Mutukwa Wina, launched the National Anti-Corruption Slogan. The Slogan reads: "The Fight against Corruption begins with Me". The launch of this slogan was a culmination of the National Integrity Program as a national agenda for the fight against corruption. The slogan which is a direct call on every Zambian citizen to say no to corruption and take action against the fight, is meant to permeate all spheres of society and be an immediate check for everyone to uphold the national values and principles in the way they conduct themselves at all times.

2.2 Investigations and Prosecution of Cases

Investigations and prosecutions is an avenue for punishing offenders and ensuring that those that may be tempted to commit a similar offence are discouraged because of the consequences. This function has continued to be conducted professionally and through a non-selective approach. From all the investigations conducted in 2016, the Commission recorded 15 arrests country-wide and secured 20 convictions

and recorded six (6) acquittals. The total number of prosecution cases before the courts of law by end of 2016 was 97. The total value of the property and cash the Commission seized in 2016 was K69, 495,627.00 (Approx. US \$ 6.9 million)

The total value of seized properties in the last six years (2011 to 2016) stands at approximately US \$ 200,000 and the value of forfeited/recovered assets for the same period is US \$ 6.7 million. By the close of the first quarter of 2017, the Commission concluded and closed a total of 69 investigation cases and recorded two (2) arrests and secured six (6) convictions country-wide.

3.0 Challenges

The Commission faces a number of critical challenges which affect its continued ability to function as effectively as required. Despite the success registered above some of the major challenges encountered in the operations of the Commission include the following:

- i. Inadequate financial Resources for operations. Investigations, Corruption Vulnerability Assessments, Integrity Checks, and public sensitization activities require a lot of resources to be effectively conducted.
- ii. Inadequate staff and high staff turnover. The Commission has over the years been losing staff through resignations due to unattractive conditions of service as well as failure to implement these conditions of service due to lack of resources. In 2017 alone, the Commission has already lost more than five (5) Investigations Officers through resignations.
- iii. According to the Anti-Corruption Act, the Commission has to obtain consent from the Director of Public Prosecutions in order to prosecute a corruption offence. This has brought out a number of challenges which range from delays in getting consent to not having consent being issued at all.
- iv. The Constitution has made several definitions of officers holding public office or performing public duties. These are Public Officers, State Officers, Constitutional Officers, and Judicial Officers. The spirit of the Constitution in this aspect is to show differences in the appointment and discharge of public duties. The Anti-Corruption Act in its current form only recognizes offences committed by Public Officers as State Officers, Constitutional Officers and Judicial Officers were prior to the amendment of the Constitution included in this definition. These definitions in the amended Constitution have effectively take away the jurisdiction of the ACC to investigate and prosecute the above categories of persons discharging public functions for offences such as abuse of authority of office and corrupt practices. The above situation is inimical to the interest of the Zambia people and defeats the principle of equality before the law.
- v. Inadequate funding for Integrity programs in Ministries, Departments and Agencies remains a real challenge
- vi. The enactment of the Public Officers Ethics Bill and the State Officers Bill has stalled as these provide for upholding of integrity by office bearers and also provide for checks on corruption in form of lifestyle audit through declaration of assets.

Some of these challenges have led to the Commission's inability to decentralize its services to areas where it has no physical presence especially rural areas. The challenges have also contributed to unnecessary delays in the conclusion of corruption cases.

10. NAMIBIA

'Innovative Project in the Fight Against Corruption: Success story' by Mrs Helena Litula

1. Introduction

This paper presents Namibia's context in the fight against corruption. It will outline projects initiated at all levels, positive outcome/results of the initiated projects, challenges encountered during the implementation of projects, lessons learned and recommendations for future reference. The second part of the paper will be about countries that Namibia has visited or received in 2016/17 for knowledge and experience exchanging purposes.

2. Namibia in the Fight Against Corruption

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

Namibia is a constitutional democracy, with separation of three branches of the state, namely: the Legislative, the Executive and the Judiciary. Her democratic system also includes a parliamentary two-chamber system comprising the National Assembly (law-making body) and National Council (house of review). Thus, in 2003, the Anti-Corruption Act was enacted and came into operation in 2005. Then, the Anti-Corruption Commission (ACC) became fully operational in 2006, with the mandates to receive or initiate and investigate allegations of corrupt practices; educate the public and disseminate information on the evils and dangers of corruption; and take measures for the prevention of corruption in public and private bodies.

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

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

- Accountability & Transparency and
- Improved Performance & Service Delivery

2.3. Namibia's New Public Procurement Act

In 2015, Namibia enacted a new Public Procurement Act, Act No.15 of 2015 and came into effect on 1st April 2017. The Act is meant:

- to regulate the procurement of goods, works and services, the letting or hiring of anything or the acquisition or granting of rights for or on behalf of, and the disposal of assets of public entities;
- to establish the Procurement Policy Unit and the Central Procurement Board of Namibia and provide for their powers and functions;
- to provide for the procurement committees and procurement management units and their powers and functions;

- to provide for the appointment of bid evaluation committees and their functions;
- to provide for procurement methods;
- to provide for bidding process, bidding challenge and review;
- to provide for preferences to categories of persons, goods manufactured, mined, extracted, produced or grown in Namibia, to Namibian registered small and medium enterprises, joint venture businesses, local suppliers, contractors and service providers; and
- to provide for incidental matters.

The Central Procurement Board is established. To further enhance transparency, the Ministry of Finance has set up a special unit (Procurement Unit Policy) that will investigate concerns regarding the adjudication and award of tenders and give feedback to the public. Internal Institutional Procurement Committees are established in each Office/Ministry/Agency. All these have come into effect on 1st April 2017. Equally, tender exemptions due to the creation of artificial emergencies are no more condoned due to the deployment of a computerized procurement system. Moreover, a national workshop was conducted in April 2017 for all O/M/A/S to introduce the new Public Procurement Act and strictly enforce its implementation by all Offices, Ministries and Agencies.

2.4. Whistle Blowers Protection Bill

The Whistle Blowers Protection Bill has been tabled in Parliament and it is expected to be passed by both Houses of Parliament this year (2017).

2.5. Anti-Corruption Commission and the National Anti-Corruption Strategy and Action Plan

Anti-Corruption Commission is currently in the implementation phase of the National Anti-Corruption Strategy and Action Plan (NACS) which is fully embedded in the Harambee Prosperity Plan that covers the period of 2016–19. NACS was approved by the Cabinet in August 2016 and officially launched on the 26 September 2016. It aims to bring all stakeholders under one roof to make their contribution in the fight against corruption for a corrupt-free nation. It will be realised through the achievement of the six strategic objectives, which rests on a number of institutional pillars, which jointly support their attainment:

- Increasing the level of political accountability;
- Preventing corruption in government offices, ministries, agencies and State-owned enterprises;
- Strengthening efforts to deter corruption;
- Conducting extensive anti-corruption education;
- Preventing corruption in the private sector; and
- Engaging civil society and the media in combating corruption.

A National Anti-Corruption Steering Committee comprised of accounting officers from selected O/M/A's and representatives from private sectors, civil society organisations and the media is established. The main function of the Committee is to coordinate, monitor and evaluate the implementation of the Strategy.

A Monitoring and Implementation Roadmap of the Committee was also developed in February 2017; in which the six strategic objectives are clustered and each cluster has a responsible institution/s to close-monitor its effective implementation.

2.6. Income & Assets Declaration

The fight against corruption has been further strengthened by the introduction of asset declaration by Public Office Bearers. Civil servants are also obliged to declare their business interests. The government is contemplating the idea of consolidating the law on declaration of assets by public officials.

3. Anti-Corruption Commission Operational Outline

The Anti-Corruption Commission has two core functional Directorates namely; the Directorate of Investigations and Prosecution and the Directorate of Public Education and Corruption Prevention. All the directorates are fully staffed and the ACC structured has been revised to ensure the full operation of the Commission.

3.1. Public Education Programmes

The Directorate segmented public education into various programmes to be able to reach every Namibian. Programmes are such as:

- Public officials Awareness Programme
- Youth Outreach Programme
- Faith-based Organisation Programme
- Community Outreach Programme
- Media Awareness Programme
- Material Development Programme
- Business Action Against Corruption Programme

Each programme has its objectives and targets a specific group of people. In all 14 regions of Namibia, the Directorate so far has visited different institutions through which outreach, training and workshops are executed and conducted. Youth are engaged in various anti-corruption activities e.g. debating, poster competition, marching against corruption, and so on.

3.2. Anti-Corruption Education Manual

The Anti-Corruption Commission developed a manual to accelerate preventative efforts among learners and promote a culture of anti-corruption among the youth at an early age so that we can mould a corrupt-free generation. The manual developed by ACC and was officially launched in 2013. It covers various corruption related issues, topics and themes as they appear in Grade 4–12 Life Skills syllabi. It was developed to serve as a resource book for Grade 4–12 Life Skills teachers to help integrate anti-corruption topics in their classroom daily lessons.

The manual also aims to engage learners through various participatory activities in the form of debates, discussions, research and drama. Training of Life Skills teachers on the implementation of the manual commenced in 2015 and so far about 900 teachers for Grade 4–12 have been trained. In addition, about 56 Regional School Counsellors in the country were trained to monitor the implementation of the manual in schools.

3.3. National Corruption Perception Survey

The Anti-Corruption Commission conducted a National Corruption Perception Survey in May/June 2016. The main aim of the survey was to establish the public's perception on the levels of corruption and other issues related to corruption in Namibia. The information from the survey is needed to guide intervention measures and to prioritise on anti-corruption programmes that are to be implemented.

The survey looked into the following areas:

- Demographics;
- General perceptions and development challenges;
- Perceptions of corruption;
- Experience with corruption;
- Reporting corruption;
- Image of the Anti-Corruption Commission.

Some of the key survey findings are:

- Only 6% of all respondents think that corruption is the most important developmental issue facing the country;
- 78% of respondents believe that corruption is very high in Namibia;
- 63% of respondents said they do not experience a lot of pressure to engage in corrupt practices in their daily lives;

3.4. Corruption Prevention

Corruption prevention cannot be achieved without proper management of public and private institutions and resources by means effective implementation of government policies, systems, procedures and programme which are intended to benefit the public. In view of the above, Namibia has thus adopted Integrity Management (IM) Programme and Policy and System Analysis Approach. Integrity Management Programme supports an organization in improving its business model and its performance indicators. The Integrity Change *Process* is based on the IM Toolbox methodology, which is a participatory risk analysis to assist organizations to conduct a self-assessment of the risks related to integrity and corruption. Once an analysis is carried out, appropriate integrity instruments to address the identified integrity and corruption risks are selected and a roadmap is developed. To date, the ACC has conducted about 15 integrity management platforms and facilitated the establishment of Integrity Committees, gave concrete guidance on how such roadmaps can be implemented and agreed to continue supporting organisations to monitor and evaluate the implementation of the identified roadmaps.

Although Integrity Management is an effective tool to minimize integrity and corruption risks, there was a need of skills to critical analyse the identified risks. Therefore, a Policy and System Analysis Approach was introduced in 2016 with the technical assistance of two experts from UNODC. This approach meant to help ACC staff with skills of conducting an in-depth risk analysis. Therefore, in its Directorate's Annual Plan of 2017/18, the Directorate of Public Education and Corruption Prevention has planned to take through all institutions which were taken through with Integrity Management with the Policy and System Analysis Approach to ensure the completion of corruption risks assessment before the institutional roadmap is developed.

But still, there is a need of systems examination skills for ACC to effectively examine the systems, practices and procedures to detect loopholes for corruption, as required by the Anti-Corruption Act, Act No. 8 of 2003.

4. Positive Outcomes/Results

All processes as mentioned in this paper under point 2 & 3 are aimed at reinforcing and strengthening the country's good governance. Transparency International Corruption Perceptions Index in 2016 ranked Namibia 53th out of 176 countries with a score of 52%. If compared to 2016 results, Namibia has almost retained her position and is still regarded as one of the least corrupt countries in Africa. The ranking is a mere perception and no reason to become complacent. With her Strategy Plan 2017–2022, Namibia aims to improve her rank and score with a vision of becoming more transparent and accountable.

5. Partner Exchange and Peer to Peer Engagements

The Anti-Corruption Commission has neither received any visit nor in turn visited any fellow Anti-Corruption Agency in Commonwealth African countries during the review period. The organization considers the practitioner exchanges and peer to peer engagements as an important tool with the potential to equip officials with practical and hands-on knowledge and applied skills to effectively and efficiently investigate and prevent corruption. Such exchanges are, however costly. Namibia, like many countries, has been faced with resource constraints and has to align its budgetary processes to focus on priority sectors as identified under the prevailing financial circumstances.

6. Challenges

National Anti-Corruption Strategy and Action Plan is in place to be implemented during 2016–2019. But financial constraints and lack of specialist skills among ACC staff continue to hinder the effective implementation of the Plan.

7. Recommendations

With Anti-Corruption Strategy and Plan of Action, ACC intends to strengthen the need for good governance by making use of opportunities offered through the promotion of international relations and cooperation. The Anti-Corruption Commission would therefore, resources permitting, undertake at least one such visit during the current financial year. In addition, it is our desire if the Commonwealth could kindly match the ACC with the appropriate developed country to provide us with long-term support and focused practitioner exchange to address our needs. The support should come in the following fields:

- a. Technical Assistance in the implementation of National Anti-Corruption Strategy;
- b. Practical tool to conduct an in-depth systems examination to identify loopholes for corruption to secure revision of such systems; and
- c. Speedy financial evidence gathering to enhance the rate of prosecutions in reported cases.

8. Conclusion

The Anti-Corruption Commission, on the whole, successfully carried out its mandate as placed upon it by both the Constitution of the Republic of Namibia and its enabling legislation. Most of the activities carried out were focused on enhancing good governance. But ACC intends to learn from international best practice by, at least, visiting one peer agency during the current financial year, if financial resources make it possible.

11. SOUTH AFRICA

'Innovative Projects in the Fight Against Corruption', presented by Nazreen Pandor

1. Introduction and Background

The Special Investigating Unit (SIU) was established in terms of the Special Investigating Units and Special Tribunals Act, Act No 74 of 1996 and its principal mandate is to investigate corruption, malpractice and maladministration in State institutions and to assist state entities with recommendations. Such recommendations either extend to disciplinary action against public officials implicated or referrals to the National Prosecuting Authority of South Africa.

For the SIU to fulfil its mandate efficiently it must contribute to curbing corruption, malpractice and maladministration in state institutions and it is required to do the following: when it secures evidence of white-collar crime:

- make such evidence available to the prosecuting authority;
- obtain evidence to be used in disciplinary hearings against public officials; and
- approach the civil courts to declare invalid transactions that are tainted by irregularities or to set such agreements/contracts aside.

These steps when pursued forcefully serve as a profound deterrent.

As the legislative mandate of the SIU requires that it report directly to the President of the Republic of South Africa on each investigation, such reporting allow for the continuous development of more effective means to protect scarce public funds.

The SIU has skills and personnel with the requisite competence and through proper and formal coordination of these skills, we work towards being the states preferred and trusted forensic investigation and litigation agency, which is, in fact the vision of the SIU.

Thus, our mission is:

"We are the State's preferred provider of forensic investigating and litigating services working together with other agencies in the fight to eradicate corruption, malpractice and maladministration from society."

2. Focus of the Paper

This paper presents information on two innovative projects presented below:

Topic 1: First Responder Cyber Forensic Learning Program; and

Topic 2: Country hosted by the SIU during 2016 (Directorate on Corruption and Economic Crime (DCEC), Botswana Experiential Learning visit to the SIU by the DCEC)

2.1. First Responder Cyber Forensics Learning Program (SIU, PSETA and EU PARTNERSHIP)

A. Background

Public Sector Education and Training Authority (PSETA) is one of twenty South African sector based institutions that are creatures of statutes, as per the Skills Development Act No 97 of 1998. PSETA plays an active role in developing a "capable state" through the promotion and facilitation of the skills development initiatives for Public Entities, Parliament, Provincial Legislatures, Provincial and National Departments.

It is against this backdrop, that the PSETA derives its mandate from integrating Ministerial Outcome 5 and 12 to describe its role as that of: "Facilitating the development of a skilled and capable workforce required to achieve a more efficient, effective and development-oriented public service sector"

The PSETA expressed its interest to the European Union (EU) Dialogue Programme call, to eligible entities to submit project proposals for dialogue, which were to be funded by the European Union.

The European Union Dialogue Facility Programme was established to support dialogue and cooperation in bilateral, regional, African and global matters between the Government of South Africa (SA), and the European Union and its Member States. The aim of the dialogue facility was to give effect to areas covered by the Trade Development and Cooperation Agreement (TDCA) and the EU/SA Strategic Joint Action Plan, whilst contributing to achieving the objectives of SA's National Development Plan.

B. SIU and French Embassy bilateral arrangement

The SIU expressed its interest in participating in the EU/PSETA dialogue which also included five other SA public entities. During the dialogues the SIU identified five of its key scarce and critical skills for which it needed assistance from the EU, namely:

- Cyber Forensics
- Forensic Data Analytics
- Forensic Accounting
- Forensic Law, and;
- Forensic Investigations.

The French Embassy which is a signatory to the SA/EU bilateral agreement then expressed its interest in entering into a bilateral agreement with the SIU and to further engage the SIU on skills development matters.

Upon direct engagement between the two entities, the French Embassy and the SIU identified the need to capacitate relevant SIU officials on a "Cyber Forensics 1st Responder" learning programme. In principle the parties have agreed on a Memorandum of Understanding (MoU) in-order to officiate the partnership. Under the auspices of the bilateral agreement, the French Embassy and the SIU initiated the process of implementing the learning program from March 2017 under the guidance of PSETA.

The French Embassy provided the SIU with a French Technical Expert on Cyber Forensics on site, to develop and implement the cyber forensic curricular based on the following commitments agreed upon in principle:

- i. The placement/secondment of the French Training facilitator at the SIU premises for the purposes of gaining an understanding of the SIU's legislative framework and work environment so as to tailor-make the requirements of the SIU;
- ii. To develop, together with the SIU and under the guidance of the PSETA, a pre-assessment e-learning instrument to be administered prior to the rolling out of the programme; and
- iii. To capacitate and transfer facilitation skills to 20 (twenty) SIU officials in-order to roll-out the programme in-house, under the mentorship of the French Embassy Technical Expert.

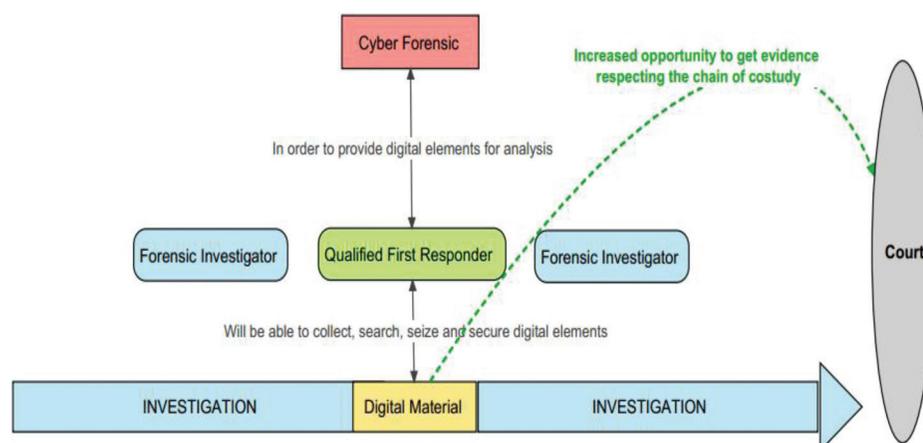
C. French Embassy/SIU partnership

The French Embassy/SIU partnership recognises that the SIU is already equipped with a cyber-forensics department, it is however not sufficient for collecting, 'digital material' and to operate optimally. It is for this reason that it became important to focus on a 1st Responder Cyber Forensics Learning Program. The goal is to enhance the SIU's investigative team by creating awareness, through inculcating a, 'cyber culture' and to provide 1st Responders with the necessary skills. The program is aimed at initiating a bottom up dynamic, which is expected to make an impact on the investigations activities both on the quantity and quality of digital evidence produced.

D. End Results

The end result is to ensure that credible digital evidence is brought before the courts, (see diagram 1 below).

Diagram 1



E. Achievements

The French Technical Expert on cyber forensics has been placed at the SIU and a "1st Responder Cyber Forensics Learning Programme", aligned to the SIU investigation requirements has been developed and is ready for roll-out. Twenty SIU officials have been identified through an internal advertisement process, coupled with an online assessment multiple choice questionnaire, that determined the final list of Train the Trainers. These Trainers are responsible for the roll-out of the program, under the

guidance, monitoring and quality assurance of the Technical Expert. The aim is to have a list of internal Trainers within the SIU, to ensure that at the end of the program, there is continuation with the principles learnt and adopted with the unit. The Cyber Forensics programme is scheduled for roll-out to a total of three hundred Forensic Investigators, Forensic Accountants, Forensic Data Analysts, Project Managers) as from September 2017.

2.2. Experiential Learning Visit by the Directorate on Corruption and Economic Crime (DCEC) Botswana

A. Background to the Project

DCEC members delegated two members to the SIU, namely the Deputy Director and DCEC Intern for training, which took place between 20–24 June 2016.

The description of the project is as follows:

- i. To help improve the training and development processes performed at DCEC.
- ii. To learn new methods/approach for designing training programs for an Anti-Corruption organization.
- iii. To acquire knowledge on how to conduct organizational training needs.
- iv. To appreciate processes SIU have adopted in carrying out training needs and skills audit.
- v. To gain insight into South African approach to skills development.

B. Project Team

A dedicated team of internal stakeholders was assigned by the Head of the Unit to ensure that the project goals were achieved, which included the Internal Integrity Unit, and the office of the Projects Director.

C. Achievements

The DCEC delegates were also offered an opportunity to visit the PSETA, where they were introduced to the manner in which learning programmes and qualifications are developed and accredited within the South African Qualifications Framework. They also paid a visit to the Department of Home Affairs (DHA) where they were introduced to the DHA Learning Academy and provided useful insight into how the DHA Learning Academy operates. The objectives of the DCEC as outlined under the heading, 'Project Description' were all achieved.

3. Challenges Encountered in the Two Programmes

3.1. Challenges regarding the SIU/PSETA and French Embassy Partnership

- 3.1.1. The SIU/PSETA and French Embassy partnership on the, "**1st Responder Cyber Forensics Learning Program**", is to be reduced into an agency-to-agency agreement, in the form of an MoU or SLA.
- 3.1.2. Since the SIU does not have the capacity in terms of section 231 of the Constitution of the Republic of South Africa, 1996 to enter into formal international agreements on behalf of South Africa and may not undertake any binding obligations on behalf of the national government. The SIU will therefore not enter into a formal agreement with the entities mentioned in paragraph 3.1. above. The SIU will instead enter into an informal, non-

binding agreement, indicating mutual intentions and goodwill with the said counterparts in respect of the, **1st Responder Cyber Forensics Learning Program**.

- 3.1.3. The French Embassy also had to send a formal letter to the Department of International Relations and Co-operation (DIRCO) regarding the co-operation with the SIU.
- 3.1.4. The SIU's Internal Integrity Unit also had to take the French Cyber Forensic Expert that has been allocated to the SIU through a vetting process with the State Security Agency (SSA) before the French Cyber Expert could be placed onto the learning program and to work with the SIU.
- 3.1.5. PSETA had to assure the SIU that the French arrangement is a bilateral partnership in which PSETA plays an active role to ensure the development of a "capable state," through the promotion of skills development as mandated by the Ministry for Higher Education.

With all the above being cleared, the SIU was assured that there was compliance with all the necessary requirements and that the agency to agency agreement was ready for execution.

3.2. Challenges regarding the SIU/DCEC Experiential Learning (benchmarking) Project

- 3.2.1. The hosting institution (in this case the SIU) to allocate the necessary resources in respect of time and human capacity to the project. The SIU allocated the following Project Team over the duration of the project which was 5 (five) days:
 - The Projects Director
 - Head, Human Resources
 - HR Manager: Learning & Development
 - Practitioner: Learning & Development
 - Administrator: Learning & Development
 - Forensic Lawyer
 - Internal Integrity Unit – for vetting of DCEC candidates
 - Visit/tour to PSETA and the Department of Home Affairs, to expose DCEC candidates to learning methodologies
- 3.2.2. Travelling, accommodation, meals for DCEC delegates at the cost of DCEC. Lunch and travel to and from hotel to the SIU for the duration of the project at the cost of the SIU.

4. Recommendations for the Two Programmes

The SIU encourages ongoing cooperation between and amongst Agencies on Anti-Corruption within Commonwealth Africa and beyond. The SIU has during the past year, engaged with international institutions such as the DCEC and the French Embassy and will continue to do so in its quest to be at the forefront (**cutting edge**), in the investigation of corruption, malpractice and maladministration.

As the Head of the SIU, I have taken a conscious decision that in-order to realize this vision, benchmarking against the best and experiential learning is a sensible exercise to establish baselines and to define best practice. After all the exchange of ideas amongst ourselves for the betterment of our work, this serves as the foundation as to why we are gathered here as Heads of Anti-Corruption Agencies within Commonwealth Africa. Exchanging ideas and expertise assists all of us in identifying opportunities for improvement.

The SIU's partnership with the French Embassy and the DCEC has ensured that the SIU shares and gains experience from our counterparts, outside the borders of South Africa. In engaging with these institutions, the SIU strives to

- i. Increase its skills capabilities and strengthen our investigations capacity; and
- ii. Improve the SIU's performance to enable us to become the cutting edge Anti-Corruption Agency that we are working towards.

In conclusion, the SIU would like to send our investigators, managers, specialists (forensic accountants, cyber forensics, forensic data analysts amongst others) to a few of our African countries in the current and coming year and vis-a-versa. We thus recommend strongly that the Heads of Anti-Corruption Agencies commit to the exchange of ideas and expertise through hosting and receiving delegates from our respective counterparts. Together we can ensure that we think innovatively and engage in projects that will result in us becoming game changers and winning the war against corruption, malpractice and maladministration.

12. SWAZILAND

Country presentation on 'Innovative Projects in the Fight Against Corruption' by Winile Dlamini

1. Introduction and Background

Institutionally

The Swaziland Anti-Corruption Commission (ACC) is established by the Prevention of Corruption Act (POCA) Number 3 of 2006 as a government department under the Ministry of Justice and Constitutional Affairs and reports to Parliament through the Ministry. Its legal mandate is the Prevention, Education and Investigation of corruption.

In 2008, the present Commission was re-launched into operations. The Commission is headed by the Commissioner, who is appointed under the provisions of Section 4 of the POCA and is responsible for the proper administration of the Commission. The Commissioner is assisted by two Deputy Commissioners and other staff appointed under the provision of Section 8 of the Act. However, currently, the Commission is under the leadership of a Commissioner and one Deputy Commissioner. The commissioner is still Advocate Thanda Mngwengwe and was sourced through the country's Mutual Legal Assistance frame work with the Republic of South Africa.

Nationally

His Majesty King Mswati III declared zero tolerance towards corruption in 2012 and has been consistent on his commitment to uproot corruption in the Kingdom. When he opened the 3rd session of the 10th Parliament, he reiterated his stance when he

pronounced the establishment of a specialized commercial court to deal expediently with commercial and corruption cases. He also pronounced that two Judges would be hired for the Commercial Court.

Support from Government is still visible. There are steady budgetary improvements despite the scarce resources. The Inter–Agency Task Team set up by Government in year 2010 comprising of the Anti-Corruption Commission, the Director of Public Prosecutions Office, the Police and the Financial Intelligence Unit continues to work hand in hand in the investigation of high profile matters.

2. Innovative work or Initiatives implemented

Technical Assistance to implement strategic Plan

The Commission has been struggling to implement its Strategic Plan 2014–2018 due to lack of financial resources despite that the Government of Swaziland had increased the budget for the last financial year. The 5 key pillars of the strategy are:

- Resourcing
- Governance
- Delivery
- Legislative and Policy framework
- Partnerships

The key strategic areas seek to address institutional readiness to deliver tangible results are implemented at a snail's pace due to lack of resources. These include establishing investigative and support units, developing internal policies and procedures, and putting in place performance mechanisms including knowledge management, establishing partnerships and improving the policy and legal framework. Due to lack of resources, the Commission also fails to benefit from the Twinning arrangement with other agencies as was introduced by the Commonwealth.

The Commonwealth Africa Anti-Corruption Agencies Policy and Procedure Benchmarking and Gap Analysis Project conducted in November 2015 confirmed that ACC Swaziland has significant gaps in policies and procedures across the institution with an overall compliance of 24.8% in support services, investigations and operations, personnel administration and operational management.

Subsequently, ACC Swaziland wrote to the Commonwealth Centre to request for Technical Assistance for the establishing of Information Gathering Unit and the approval was granted. However, the Commission could not finance the expert's travel and subsistence allowance as there is no enabling policy to support such an arrangement.

Therefore, the Commission became creative and developed a Cabinet Paper and approached Cabinet through the Ministry of Justice and Constitutional affairs to request for approval of sourcing cost-effective Technical Assistance from sister agencies in order to capacitate the Commission.

Cabinet approved the request without reservations. The Commission now has authority to approach sister agencies in order to build its capacity. Commonwealth sister agencies are hereby requested to offer assistance to ACC Swaziland.

Legislative and Policy Framework

The Prevention of corruption Act, 2006 is currently being reviewed by the Attorney General's Office with technical assistance from UNODC for alignment with United Nations Convention against Corruption (UNCAC). This follows a review by the Republic of Botswana and Sri-Lanka of Swaziland's implementation of UNCAC.

The draft National Anti-Corruption Policy has been reviewed by UNODC and is pending finalization. UNDP is assisting the Commission with resources to finalize the policy.

Partnerships

The ACC hopes to put into action the approved sourcing of technical assistance to request sister agencies with the resuscitation of the National Anti-Corruption Forum which will coordinate the national action against corruption.

Education and Prevention

The Commission continues to record successes in its education initiatives as all sectors have been targeted and reached through face to face meetings and multi media campaigns. The prevention component has taken shape and risk assessments continue to be carried out in the public sector. However, there is lack of a risk assessment framework that is inclusive of other partners with a similar mandate like the Internal Audit.

Decentralization

Currently, operations of the Commission are based at the Headquarters in the Capital City of Mbabane. Every effort has been made in the past to decentralise the offices to the regions. Finally, the operations will be decentralized to one region this month (June 2017).

3. Main challenges faced in implementing the Initiatives

The major challenges include inadequate financial resources and lack of expertise to implement initiatives.

- The urgent need to establish investigative and support units
- The urgent need to develop internal policies and procedures and performance management mechanisms
- The inadequate provisions of the POCA
- There is glaring need to strengthen resource mobilisation

4. Reflections and Lessons Learned

We have learned that it is best to utilize the partnerships of sister agencies and mobilize technical assistance than sourcing a consultant as it is costly. Although due to lack of resources we have not been able to benefit from twinning with other agencies, we believe it is the best way of capacitating our institutions by learning from each other.

5. Recommendations

Agencies that are at initiation stages like ACC Swaziland can best benefit from technical assistance from other sister agencies as it is on the job experience. Some agencies may share almost similar environments and culture. The expertise and experience of some officers can be imparted in other agencies. ACC Swaziland welcomes collaboration and learning from other experienced sister agencies.

13. MALAWI

Country Paper for Malawi on Successes and Challenges on Some Innovations by Anti Corruption Bureau - Malawi

Introduction

The Anti-Corruption Bureau (ACB), Malawi is a government institution established under Section 4(1) of the Corrupt Practices Act (CPA) No.18 of 1995.

It has two mandates: Corruption Prevention and Law Enforcement.

- Corruption Prevention mandate is fulfilled through Corruption Prevention and Public Education Departments.
- Law Enforcement mandate is fulfilled through Investigations and Legal and Prosecutions Departments

The Bureau has made great strides in the fight against corruption in all Departments.

However, ACB is yet to win the battle because the corrupt are devising ways of beating the systems and traps that are set to deter them.

Therefore ACB believes that ACAs must be creative to match with innovations that perpetrators of the vice are using to beat the systems.

Innovations In Public Education

The Public Education Department has six officers against an estimated population of over 17,000,000 people. To reach out to all these people, PED relies heavily on partners to help in civic education. Innovations in PED come from -

- the creativity of its officers
- adoptions from various countries, some of which are not in Commonwealth. These have been modified to suit the local setting

The Bureau considers the following public education initiatives to have proven effective in the fight against corruption in the country:

Innovation 1

Public Interface Meetings

These are outreach meetings held by the Dept. aimed at addressing or resolving corruption issues in the communities.

Duty bearers (mostly public officers) and members of the communities/service users meet at a venue.

The Dept. facilitates availability of the duty bearers, who are to respond to issues raised by members of the public. Duty bearers usually come from public offices like police, public hospitals, city councils and also traditional leadership, etc.

Process

The Dept. analyses complaints received by the ACB in all the four regional offices plus those from partners who are on the ground. People explain what happens in the hearing of duty bearers and duty bearers are asked to respond right there. Then they agree on how to stop the malpractice.

Successes

Admission of the wrongs done and working out the way forward there and then.

A promise to change after being reported.

Community empowerment.

Challenges

Reluctance of some duty bearers to attend the meetings and some actually disappear on the day of the function afraid to face people.

Lesson learnt

Proper prior arrangement with superiors on what is expected of them, attendance is assured.

Innovation 2

Partnerships with other organizations

Realizing that the fight against corruption requires everyone's participation to succeed, the Anti-Corruption Bureau through its Public Education Department entered into a number of partnerships.

The most successful and rewarding partnership is the one that the Dept. entered with National Initiative for Civic Education Trust (NICE).

National Initiative for Civic Education (NICE) Trust

It is a civic and voter education project established in 1999 to deliver civic education on a permanent basis countrywide with adequate personnel in all the districts of Malawi.

NICE has libraries both in urban and rural areas.

Process

Signing of the Memorandum of Understanding (MOU) which is shared to all NICE officers in the country.

NICE complements the work of the Bureau by using its officers and volunteers to mobilize people and organize meetings in communities on our behalf, mainstream corruption issues in their civic education programmes and put our literature in their libraries.

Success

The country wide distribution of Information Education and Communication (IEC) materials across the country through NICE libraries and volunteers.

Officers and volunteers trained by the ACB mainstream issues of corruption in their day to day civic education work. NICE officers live in communities that is why PED depends on them to mobilize people to meetings.

NICE invites Bureau officers at no cost to make anti-corruption presentations during their functions.

Sharing of both human and financial resources.

Challenge

Some officers take a casual approach to relay our invitation messages resulting in low patronage.

Lesson Learnt

If you choose a partner that shares your vision and aspirations, things work smoothly. (Few other MOUs signed did not flourish and survive due to the absence of financial incentives they expected in return).

Some partners can be liabilities and not assets, therefore there should be a clause on termination in case you disagree.

Innovation 3

Establishment of Anti-Corruption Clubs

They are established upon demand and on volunteer basis.

There is a letter to express their interest.

There are sixty (60) clubs across the country, mostly community based; 5 are University based.

Members of the clubs are trained before they start their work.

Club members sensitize people in their communities on issues of corruption, report cases of corruption and also assist those who would like to report corruption by directing them to the Bureau.

The clubs are monitored by ACB and NICE Offices.

Successes

They assist with IEC materials distribution with or without financial assistance.

The clubs partly addresses the human resource challenge in the Department since part of the work is devolved to them.

Some clubs members have been incorporated into various area development committees at local level to ensure transparency and accountability, in the process they have at times foiled corruption conspiracies.

Some clubs have very organized drama groups that are used in sensitization as edutainment.

Challenges

Passiveness of some clubs once they realize that support is not forthcoming despite having full knowledge that their work is voluntary.

Some clubs with youthful membership easily die out as members get married or relocate to new places in search of jobs or to do businesses.

Lesson Learnt

Clubs that have old and mature membership outlive those with youthful membership only. So have a mixed group.

ACCs should be demanded by the communities themselves after realizing a need.

Innovation 4

Youth Programmes

The aim of this initiative is to:

- inculcate a culture of integrity among the youth.
- introduce anti-corruption issues to them as early as possible so that they start appreciating its evils and dangerous effects at a tender age with the hope of molding a clean generation.
- The initiative targets both in-school (secondary schools) and out-of-school youths.
- In schools, there are motivational talks and the other group with football and netball bonanza.

Youth in Primary Schools

PED is working with the Malawi Institute of Education to push for more inclusion of anti-corruption issues in the primary school curriculum as well.

The material was presented at the standard 7 curriculum review workshop which took place in 2016.

Working towards doing the same for other classes during such curriculum reviews which are done in phases.

Challenges

Unwillingness of some head teachers to give civic educators time to make the presentations.

On incorporating corruption issues into the primary school syllabus, some experts resist new material arguing that curriculum is already bulky.

It is difficult to measure its impact in short term, since the real impact will be seen when they become adults.

Innovation 5

Investigations Department

Forensic Unit

Why this unit?

With advancement in technology, a lot of criminal cases are committed using IT equipment.

During investigation of many cases, the ACB has been seizing gadgets used to store data.

However, inadequate capacity to extract digital data made cases to take too long a time (some were sent to UK, Norway) for extraction. And back for analysis.

The long process tainted the image of the ACB in terms of its performance

Successes

So far have registered 11 convictions since the inception of the IBM i 2 training.

Four officers have undergone training in digital data extraction.

Speedy conclusion of cases, especially on the well known cases dubbed "cashgate" where a lot of public money was squandered.

Challenges

With high staff turnover, there is continual need for training of officers.

There is need for more finances to train other officers in the Department (4 vs 18 investigators!!!)

Annual Licences/subscription for forensic devices are expensive.

Adoption of innovations from other countries

Rwanda

Youth programs: continual youth engagement through annual youth congress, youth anti- corruption clubs debates.

Commemoration of anti-corruption week vs anti-corruption day.

Botswana

Partnering with national broadcaster to cover our activities for free.

The need to come up with training manuals for public institutions that ask ACB to make presentations to new recruits.

Zambia

Institutional Integrity committees.

Conclusion

The purpose of this paper has been to share some success stories that the Anti-Corruption Bureau, Malawi has experienced over the years with focus on its Public Education and partly on Investigation work.

Through sharing of innovations, success stories and experiences, anti-corruption agencies can adopt innovations from a pool of ideas and later adapt them to suit their countries.

14. UGANDA

Innovative Projects in the Fight Against Corruption: 'Success Stories in Uganda'

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 a constitutional body established under article 223, tasked with the enormous responsibility of fighting corruption, abuse and misuse of office and administrative injustice. The Inspectorate fulfils its mandate through investigations, prosecutions, administrative sanctions, enforcement of the Leadership Code of Conduct as well as through public awareness programmes.

H.E President Yoweri Kaguta Museveni won another term of office in which he declared this term "*kisanja Hakuna Mchezo*" which is Swahili for "a term of no games" in regard to the fight against corruption. Indeed, the Inspectorate of Government is at the center of fulfilment of this pledge. In executing its mandate, the Inspectorate ensures better service delivery, value for money and improved accountability. Several arrests and prosecution of high profile ministers and government officials in the recent past testify to this. The Inspectorate of Government is capitalizing on this political commitment to strengthen its innovations.

In the last one year the Inspectorate has launched an online declaration system for leaders to declare their assets and liabilities. A special directorate to handle high profile investigations has been established and an asset recovery unit has been established under the Directorate of Legal Affairs.

Over the last one year the Inspectorate of Government has visited Tanzania, Kenya, Zambia and South Africa. The Inspector General of Government is currently in Denmark to discuss modalities of signing a Memorandum of Understanding with the Ombudsman of Denmark.

The Inspectorate hosted a three-person delegation from the Directorate of Corruption and Economic Offences (DCEO) – Lesotho; Litelu Ramokhoro, Director for Public Education and Corruption Prevention; Mohau Mokhochane, Principal Investigation Officer; and Masebueng Kose, Principal Network Officer as well as a 14 member delegation of lawyers from the Christian lawyers Association of the United Kingdom.

Innovative initiatives implemented by the IG

a. Online Declaration System (ODS)

The Inspectorate of Government- Online Declaration System (IG-ODS) was developed in-house by the Inspectorate of Government IT department to enable leaders who are required to declare their incomes, assets and liabilities under the Leadership Code Act 2002 to do so online. It is operationalised by the Electronic Transaction Act, 2011 and Leadership Code (Declaration Form) Regulations, 2016.

It was launched on 18th August 2016 by His Excellency the Vice President of Uganda, Hon. Edward Sekandi, with a task of getting 25,000 leaders to declare their incomes, assets and liabilities online. The manual system had a lot of challenges which included; high costs for procuring, distributing, collecting and storage of forms as well as time wasting, as leaders had to travel long distances and queuing at the IG offices to deliver the form.



HE the Vice President of the Republic of Uganda Hon. Edward Sekandi arrives at the launch of the IG-ODS

In order to address the above challenges and also adapt with current national and international information technology trends, the IG developed the Online Declaration System (IG-ODS). The system now enables the leaders to submit their declarations online making it easy for the information to be processed, analysed and stored electronically.

- i. The system is fast, efficient and effective, hence less costly.
- ii. Leaders are able to submit their declarations from anywhere in the world, as long as there is internet connectivity. In other words, they no longer have to physically queue at the IG offices.
- iii. It has also been found to be considerably cheaper for both the Leaders and the IG, because printing costs, transport costs and data entry costs have greatly reduced.
- iv. Because of the way it has been developed, it is safe and secure.

- v. It also solves the problem of incomplete declarations. Unlike the manual system where some leaders would submit incomplete forms, the IG-ODS has checks that will not allow incomplete forms to be submitted. A submission of an incomplete form is automatically rejected by the system.

The IG has a support team which attends to leaders' queries and can be contacted through phone calls and email for help and support.

By the time of the deadline for declarations in April 2017, the success rate had been established at 90%. We believe that this will make the process of verification easier and faster. However, in order to fully be effective it requires a synchronized government online data base through which assets can be analysed. Many government departments in Uganda are moving to online management of data such as the Uganda Registration Services Bureau (URSB), the Office of the Director of Public Prosecutions and the Uganda Revenue Authority. There is also an ongoing national identification program. We believe that as these data bases are built and improved they will ease the verification process at the Inspectorate of Government.



H.E the Vice President of Uganda launches the IG-ODS as the IGG looks on



The Director of Leadership Code Ms. Twiine Annet shows leaders how to use the ODS.

This program was not without challenges which included low levels of computer literacy of some of the leaders particularly in rural areas, and lack of access to computers and sometimes electricity. The staffing with the technical skills to manage the data base is still low. There were even some legal challenges with one leader threatening to sue the Inspectorate for breach of his privacy on the premise that his declarations could be accessed by anyone around the world in the event of hacking of the system.

The IG has endeavoured to put in place measures to mitigate the challenges as follows:

- i. The IG has identified a Focal Contact Person in each Ministry, Department, Agency and Local Governments (MDALG), who offers support to leaders on how to operate the IG-ODS to declare. In most cases the Focal Contact persons are the Accounting Officers or Officers nominated by the Accounting Officers.
- ii. Training of Focal Persons as well as some leaders has also been conducted to demonstrate how the application works as well as to demystify the IG-ODS.

b. Directorate of Special Investigations

The Inspectorate of Government created a new directorate to handle high profile investigations with a view to prosecuting such cases faster. With the support of the SUGAR project (Support to Uganda's Governance and Accountability Response) under DANIDA, specialized training is to be provided to the staff of the directorate to improve their skills in forensic investigations. The directorate has a staffing of 30 and is currently handling cases in the Ministry for Local Governments for mischarge of UGX 12 billion shillings (US\$ 3.3 million), Rural Electrification Agency massive corruption involving UGX 14 billion shillings (US\$ 3.8 million), corruption at the Uganda National Roads Authority involving UGX 109,823,693,578/= (US\$ 30million).



The Honourable Minister for Ethics and Integrity opening the Directorate of Special Investigations as the IGG and Deputy IGG look on

c. Asset Recovery Unit

In addition to the initiative to ensure that investigations of high profile cases are concluded efficiently and effectively, the Inspectorate created an Asset Recovery unit under the directorate of legal affairs to specifically handle recovery of lost funds through the recovery of the proceeds of corruption. The unit has a target of recovering UGX 300million shillings per year (USD 83,000)

The process of recovery is a slow and arduous task and the staff is yet to receive adequate training.

Conclusion

The corrupt tend to be highly intelligent and skilled in the way 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 believes that corruption must be made a risky venture by ensuring prosecution of all culprits as well as recovery of lost funds or proceeds of corruption.

Notes

- 1 Article 218 of the 1992 Constitution of Ghana, section 7 of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) and the Whistleblower Act 2006 (Act 720).
- 2 Article 287 of the 1992 Constitution
- 3 "Serious offence" is defined in the Act to include participation an organised criminal group, terrorism, money laundering, terrorist financing, serious fraud, murder, armed robbery, grievous bodily harm, and any other similar offence or related prohibited activity punishable with imprisonment for a period of not more less than 12 months
- 4 Section 18 of Act 804.
- 5 Sections 12, 13 and 14(5) of Act 720
- 6 Article 284 of the 1992 Constitution.
- 7 Competent Authority means "a public authority with designated responsibilities for combating money laundering or terrorist financing, in particular the Financial Intelligence Centre and any other authority that has the function of investigating or prosecuting money laundering and associated predicate offences and terrorist financing"
- 8 The figure includes the case of the Minister of Environment of the current government whose trial for bribery will start before the Intermediate Court of Mauritius in September 2017.
- 9 The figure includes the conviction of a former Minister of Finance before the Intermediate Court for Conflict of Interest. His conviction was eventually quashed on appeal by the Supreme Court, but the DPP has applied for leave to appeal against this dismissal before the Privy Council.
- 10 Movable and immovable properties, including bank accounts.

Annex 6: The Role of the Private Sector in Fighting Corruption

Speech by George Partridge, Group Chief Executive of Press Corporation on the theme 'Co-ordinating Anti-Corruption Action in Commonwealth Africa, with Specific Reference to the Role of PCL as a Private Sector Player'

Ladies and Gentlemen,

It is an honour and a great privilege for me to address this gathering today on this arguably most important topic in relation to whether our countries succeed or fail in the achievement of our economic development agendas.

Within the Africa Commonwealth countries, efforts to combat corruption have taken center stage, a realisation that the achievement of Sustainable Development Goals cannot be attained where corruption thrives unabated. Thus, this conference could not have come at a better time than this. I therefore would like to commend the Malawi Anti-Corruption Bureau for hosting this conference.

I was requested to share my views on corruption and, in particular, the role of the private sector in the fight against corruption, with emphasis on what the Press Group, a diverse group of 14 companies, is doing as a partner in this fight. I will not try to define corruption or bore you with the effects of corruption on society. That would be preaching to the converted.

In the next few minutes, I will attempt to provide a brief of what the Press Group of companies is doing in contributing to the fight against corruption and will demonstrate how the Group co-ordinates with other stakeholders to fight the war against corruption and fraud.

I fully subscribe to the view that we need a multi-sectoral approach to fight corruption. It is not for the Anti-Corruption Agencies alone to fight the vice. We in the private sector have a huge responsibility and obligation to ensure that we take an active role in the prevention of corruption. I am proud to say, ladies and gentlemen, that our Group is doing its very best to take a leading role in the fight against corruption in Malawi.

In 2005, a Baseline Survey conducted by the ACB revealed that 90 per cent of the Malawi Society regarded public institutions as delivering inferior services due to corruption and that over 65 per cent of the business community itself viewed corruption as one of the major obstacles to economic development. In addition, the private sector was identified as not just an affected party but also, in most instances, as a significant enabler of corrupt practices. The figures are quiet damning.

Press Group, being the largest conglomerate in Malawi and with interests in almost all the sectors of the economy, has been both a victim of corruption as well as champion of the fight against it.

As a victim, a few of our companies have not been able to secure lucrative contracts with public institutions because we have refused to pay a bribe. Some services, such as employment permits or operating licences, have been withheld because of our

refusal to pay a bribe. In addition, significant resources have been lost through corrupt practices by a few of our employees. There is no doubt, therefore, that corruption has had a major impact on our Group and indeed the private sector.

Let me just share with you a few personal experiences I have had on corruption which made me realise that it is indeed a serious scourge in our system.

I few years ago, I was President of the Banker's Association of Malawi when we needed to lobby the Finance and Legal Affairs Committees of Parliament to enable passage of the Anti-Money Laundering Bill, because we were then under pressure by foreign banks that they could shut us off as partner banks on international trade if our government does not do this by the dateline set as they were also under pressure by their own regulators. Shutting Malawi off from the world would have had devastating consequences on the economy, and therefore although the bill was ready, members of parliament did not think it was urgent.

I thought it was going to be efficient to meet the committees in Lilongwe where parliament was in session. When I talked to some of the committee members and a few influential parliamentarians, they were all unanimous and I was told in my face that if I want the bill passed, I have to sponsor the two committees to meet in Mangochi for three days, pay them a specified amount of per-diem, mileage claim, hotel expenses and sitting allowances. That would ensure that the bill goes through. Otherwise I should forget that it was going to pass at that sitting. Here we are, custodians of the law who will only be doing their job, soliciting for a bribe!

My other experience was when my legal counsel at the bank where I was CEO had explained to me that the reason why charges on property are piling up at the Lands Department and not being signed off months on end is that the bank is not looking after some staff who are responsible for processing these and bringing them to the attention of the minister for signing. He was told that the other banks were. If we looked after them, the documents would quickly find their way on to the minister's desk for signature, otherwise they would be glad to set them aside and continue piling them up. Borrowers could therefore not draw down on approved facilities until security matters were perfected. Could we consider setting up a vote to look after these so-called facilitators?

But my most harrowing personal experience is reserved when one of my relatives at my village told me that when he went with his mother who was dying to a non-paying public hospital, the receptionist and the nurse demanded that my relative had to pay facilitation fees to secure an appointment with a doctor, otherwise there was nothing that could be done and they should be prepared to stay for days without seeing medical personnel. Now that was really obnoxious, needless to say the patient died the following day.

I can spend the whole day narrating these experiences, but the long and short of it is that this is when you realise that we have a serious entrenched problem on our hands.

The Press Group has taken a leading role in the prevention and exposure of corruption and corrupt practices. Following the baseline survey that I have alluded to earlier, Malawi developed a National Anti-Corruption Strategy in 2008 which to date remains the blue print upon which the fight against corruption in general (and the legal framework in particular) are based.

The Press Corporation took a leading role in the development of the National Anti-Corruption Strategy. We were one of the founding and leading members of Business Action Against Corruption and my predecessor, Dr Mathews Chikaonda, chaired the Blue Ribbon Committee, a steering committee that championed the drafting of the strategy.

The development of the National Anti-Corruption Strategy was possible with assistance from Malawi's Development Partners, for which we are grateful.

The strategy also incorporated lessons from other countries that had already developed their national strategies. This demonstrates that it is necessary that there is collaborative and well-co-ordinated anti-corruption activism for the corruption scourge to be eradicated in our countries. We should not be 're-inventing the wheel', and I suppose that this is why you are all here.

Distinguished Guests, further strides have made in the Press Group since then to prevent corruption in the process to contribute and try to create a corrupt-free society. You will note that most of the initiatives we do are done in co-operation and co-ordination with ACB and other stakeholders:

- i. We have developed a culture of intolerance to corruption and fraud. It is a standing requirement, clearly provided for in the Conditions of Service of our employees that any employee found guilty of involvement in corruption is shown no mercy. We believe such zero tolerance to corruption stance sets the right precedent and inculcates the right attitude among our employees about corruption.
- ii. We have taken the lead in co-operating with the ACB in the setting up of ACB/private sector co-operation frameworks, which are aimed at ensuring that there is co-ordination between the ACB and the private sector players. Several of our Group companies have individually signed Memoranda of Understanding (MOUs) with the ACB. Our telecommunications company MTL was the first private sector player to sign such an MOU with ACB in the country. Just last year, PTC, our retail chain, signed yet another MOU with ACB, which aims at ensuring that we have a joint arrangement for fighting corruption in the largest retail chain stores in the country.
- iii. We have also developed internal governance instruments which are aimed at promoting ethical behaviours among directors of our various companies and their members of staff, thereby eradicating an environment where corruption can thrive. Our Fraud Policy and Code of Conduct, which each employee signs every year, ensures that the behaviour of our employees is beyond reproach. All of our Group companies have adopted these policies as part of their internal governance instruments.
- iv. We subscribe to the tip off anonymous platform run by the international audit firm Deloitte. The implementation of Deloitte Tip Offs Anonymous has had huge success in prevention (and detection) of corruption and fraud within our Group. As part of ensuring co-ordination with the ACB, we have an arrangement whereby tip off reports, assessed as prima facie genuine, are handled in co-ordination with the ACB. We believe that in this way, we are duly performing our duty as a good corporate citizen. I must take this opportunity to commend the ACB, through you the DG, for the professional manner in which you have acted on these matters.
- v. We have also institutionalised our anti-corruption efforts even at Board level. This is in recognition of the fact that the fight against corruption must always start at the leadership level. Our Board complies not only with the statutory provisions of the Companies Act and the articles of association, but our directors also give due consideration to modern corporate governance codes. For example, and being a company listed both on the Malawi Stock Exchange and the London Stock Exchange, our directors have undertaken to act in strict compliance with the relevant provisions of the South African King III framework as well as the Cadbury Report of UK, which have been incorporated by reference in our Board Charter. We believe strict adherence to corporate governance principles prevents and eradicates opportunities for corruption.

- vi. We are also a member of the United Nations Global Compact, a United Nations initiative that encourages businesses worldwide to adopt sustainable and socially responsible policies. In our implementation of such policies, we strive to be fair and transparent, leaving no room for shady dealings or corruption.

We believe that the fight against corruption can only be won through the collaborative efforts of both the public and the private sectors, with the civil society and faith organisations jealously playing their oversight role. It is only through such an effective fight that Malawi as a country, and indeed the whole of the Commonwealth, will be able to reap the fruits of a corruption-free society.

For now, such a society remains a dream. Fair competition for Government contracts benefits not only the companies involved, but also the Government and our people. With such a society, Foreign Direct Investment will flourish and, ultimately, our economy and our peoples will benefit.

I can say with a lot of confidence that the fight against corruption and fraud in the Press Group has largely been successful. This is evidenced by the fact that despite its large size and wide impact and influence on the Malawi economy, none of our entities has so far been implicated in the national scandal called 'Cash Gate'.

Of course, there are still a lot of challenges that we all must overcome, including the ACB itself. We do realise that this fight is a continuous process, and not an event. Any anti-corruption watch dog needs to have the confidence of the citizens, including the private sector. This can be done if it is able to act efficiently, effectively and independently and, most importantly, to be seen to act as such. As heads of corruption institutions, I urge you to strive for these qualities for your institutions.

The Government too must show its commitment to fighting corruption. We applaud Government for the allocation of increased resources to the ACB, as reflected in the recently presented Budget Statement. But we urge all other arms of Government and public institutions to show commitment and play their role in the fight against corruption.

The Judiciary too must be seen to play its role through, among other things, the speedy delivery of judgments. The private sector, as an engine for economic growth, can only thrive if there is corrupt-free adjudication of its rights.

Other Government departments too must join hands with us in curbing this scourge: The departments that immediately come to mind are Immigration Department which must ensure efficient consideration of TEPs in accordance with investment guidelines which government itself has set, the MRA, which must have a fair and realistic interpretation and enforcement of tax obligations, the Road Traffic department, Lands department and the traffic police.

I believe that the co-ordinated effort can extend between and among countries. Such a co-ordinated approach will ensure that Anti-Corruption Agencies are efficient, effective and accorded requisite assistance to enable them successfully to investigate across the border corrupt practices.

In conclusion, we in the private sector, and the Press Group in particular, look forward to growing our partnership with the ACB. We are ready to assist and co-operate with the ACB where necessary.

I wish you all very fruitful deliberations in the next few days.

I thank you for your attention and God Bless you

Annex 7: There is No Corruption Big or Small

A Thief is a Thief Whether He Steals a Diamond or a Cucumber: Corruption is Corruption Whether Big or Small

Mwaswera bwanji – Jambo – Osibire ota – Inhlikanhi – Dumelang – Good afternoon ladies and gentlemen, and all protocols observed.

My name is Mzilikazi wa Afrika, multi-award winning investigative journalist with the Sunday Times newspaper in Johannesburg, South Africa and author of bestseller memoir simple titled Nothing Left to Steal. Why Nothing Left to Steal, one may ask, perhaps if I may quote the last paragraph of the book, you may understand what it is all about.

"One thing you can be certain of is that in the land of the blind, the one-eyed man is a thief and not a king. Our beloved country has become the land of the blind where many suffer from political myopia. It has become evident that some people believe that to live like kings, they must steal from the poor. Unless we do something as a collective, the thieves will continue to rob us blind, loot and pillage until there is nothing left to steal."

Let me tell you a little joke that might put everything into context.

A young boy asked his father and said: "Daddy, what is politics?"

After scratching his head for few second, the boy's father explained and said: "Let's say this house is a country, your mother, who is the administrator of this house, is the government. I shall be called a politician as I am the one running around and working hard to make sure there is food on the table.

"You, my son, shall be called the union as you are the one making all kinds of demands in this house, forcing us to buy flat screen television sets, PlayStation etc. and your little brother shall be called the future as he is still young and innocent.

"Our helper shall be called the working class as she is the one making sure that dinner is cooked and served; and also clean our house. And that my son is politics."

The little boy didn't understand or see any logic to what his father had just said.

Late at night, that day, as he was asleep in his room, he heard his younger brother crying in his room. He went out to inspect what might be the problem but only to find out that his little brother's nappy was full.

He went to his parents' bedroom to alert them and only to find his mother sleeping peacefully alone and decided not to bother her. In desperation, he decided to go to the helper's cottage outside and seek for her helping hand. As he approached the cottage, the boy noticed that the door was half opened and as he peeped through, he saw his father having sex with the helper. And he went back to bed dispirited.

The following morning during breakfast, the boy said to his father happily: "Dad, I now know what is politics."

The excited father, who thought he had taught his son something, asked the boy to explain, in his own words, what is politics.

And the boy said: "While the government is fast asleep, the politician screws the working class. The union sees everything but can't do anything about it and the future is full of shit."

And his father got the message loud and clear.

I just hope and pray that all the anti-corruption agencies in Commonwealth Africa are not anything closer to the above-mentioned union, the one that sees and observes everything but can't do anything about it.

Corruption in Africa has become like a national sport, whether politicians gamble with our taxes and natural resources to enrich their cronies and relatives. And of course, it must also be noted that it takes 'two to tango'.

The scourge of corruption in our continent has derailed our progress as a nation and denied our people the full benefits of independence and freedom that they really deserve.

Of course, I must admit that the plunder didn't start on 6 March 1957 when Ghana became the first black African country to gain its independence, but rampant poverty has been there from time immemorial. And many Africans thought independence would bring an end to the looting, but we have been conned by our own heroes, men and women, who fought for our freedoms; our heroes who believe and behave that assuming public office is like hitting a jackpot bonanza where you will steal, siphon and raid the state coffers without any repercussions.

Let me you give an example about my beloved country South Africa.

Steve Mbuyiswa, a Member of Parliament who was earning over R250,000 per annum, stole a Nokia 5110 worth R2,700 from a fellow parliamentarian on 12 February 1999 and gave it to his wife as a Valentine's Day present.

Mbuyiswa was arrested five days later for the theft and subsequently fired from parliament; and later his ANC membership was suspended for five years after he was found guilty in the court of law.

Today many of us, South Africans, are asking ourselves where is that ANC of 1999 that dealt harshly with its members, without any fear or favour, when they are caught on the wrong side of the law?

Today in South Africa, we have a president who has 783 charges of corruption hanging over his head. He was found to have violated the constitution of the country by the highest court in the land and has turned a blind eye, when his friends, a little unknown family from India, who played no role in our struggle for freedom, are stealing South Africa brick by brick and looting everything piece by piece.

President Jacob Zuma has turned South Africa into a laughing stock; day in and day out, he is embroiled in one scandal to the other and behaves as if everything is a joke when he is asked serious questions in parliament. He just giggles and laughs it off.

We have ministers, who with new information and evidence coming out every day, are being appointed to cabinet not by our president, but by third parties who are not even Members of our Parliament.

Corruption is not about accepting a bribe to give someone a lucrative tender, but it is also about turning a blind eye to unlawful and unethical behaviours and practices.

Corruption is when people start behaving badly with decisions they make and that affect millions of our people.

Professor Patrick Lumumba, the former director of the Anti-Corruption Commission in Kenya, made a profound statement after observing such a behaviour and said: 'We live in a country where our young ladies who have recently attained the age of puberty cannot afford sanitary pads, but our men and women in public offices have iPads which they do not even know how to use'.

A better life for all was a promise many South Africans were sold during the 1994 campaigns for our first democratic elections, but has become a better life for the chosen few, the few who are politically connected and favoured the leading politicians.

The masses, who are facing endless hunger and monotonous poverty with no single sign of service delivery, have been sold a dummy, while politicians and their cronies are laughing all the way to the banks; and to 'rub the salt into the wounds' of our people, they are doing everything with impunity and display their loot publicly like it was a golden medal from some Commonwealth Games.

When our people rise against such behaviours, they are called names and agents of unknown foreign intelligence and government, a pure fiction of someone's imagination.

If you dare question such a behaviour, you are called a rented voice of white monopoly capital by those who have been handsomely paid, from the proceeds of crime, to deceive our people via various platforms including social media.

When our presidents and politicians start behaving like hoodlums, what must we do as a people, but kick them where it hurts most and vote them out office.

Most of us start looking up to you, the anti-corruption bureaus, to investigate those [who are] corrupt and send them to jail. We put our trusts in you, not to abuse your positions and office, to play political games just to please the people in charge or the ruling parties, but to probe every allegation sent to your offices and investigate the theft of every cent and illegal awarding of tenders without any fear or favour.

If you want our people to have faith in your anti-corruption agencies, stop running after the small fishes and pretend as if the big fishes are on hunger strike; the small fishes have learned from the best. In my home language, Xitsonga, there is a proverb that says *ku tlula ka mhala swi letela n'wana loyi a nga le ndzeni* – which simple means, the behaviour of a pregnant woman might influence how her child behaves when born.

Let this conference not be a talk shop and waste of state resources, but I encourage you to come with strong measure and methods to combat and curb corruption that has been spreading like wild fire across Africa; grow some balls and be hungry enough to take a bite of a big chunk. Stop being toothless lions and trying to be in the good books of the ruling parties and presidents, you work for the people and have their hopes.

Remember that we in the media are watching and always remember that even in the jungle, there are those who hunt the hunters.

It is a shame today that when some of our presidents get sick, they fly all the way to Europe, America and even to South Africa for medical help – instead of building the best health facilities for their people. The poor people can't afford to get the best doctors and good health, yet it is their taxes that keep the elite alive and even getting fatter every day.

Some of our leaders have shipped their children to Europe, America, Asia and even South Africa for a better education, depriving their own people of proper and good foundations for basic education in order for us to have a well-educated nation that would be well informed to make proper and sober decisions in future.

[It is as if] someone invited you to their home for dinner and served you with a badly home-cooked meal, while they eat takeaways from their favourite restaurants, then expect you to thank them for dinner and come back again when they invite you back in future.

It is about time that your agencies flex their muscles and co-ordinate national anti-corruption in Commonwealth Africa and stop politicians in their tracks, save another cent from being swindled and send all the corrupt bastards, who are looting Africa every day, to jail and throw away the keys.

My last words of wisdom to you are: If you ask a pastor to write an obituary of a local drunkard, his column would be praised by some Christians, but highly criticised and condemned by loyal drinkers. Don't shoot the messenger just because the message is unpleasant.

Annex 8: Reasons for Losing Corruption Cases and Recommendations for Securing Convictions in the Courts by Anti-Corruption Agencies

'Why Corruption Cases are Lost or Won: A Judicial Perspective'

Justice Lot Moroka, Judge of the High Court of Botswana

- Substantive and procedural requirements.
- Throughout the Commonwealth, criminal cases are lost or won upon fulfilment OR FAILURE THEREOF of two basic requirements.
- At a substantive level upon failure to adduce sufficient evidence to prove the charge or upon failure to observe rules of criminal procedure and evidence ON ADMISSIBILITY OF EVIDENCE.
- The criminal process deals with legal guilt and not factual guilt. Therefore, in terms of the doctrine of legal guilt, a person may be found legally innocent (not guilty verdict) irrespective of factual guilt, unless the factual determinations were made in a procedurally regular fashion. This is where the law of criminal procedure comes into play. The procedure adopted at arriving at the guilty verdict is crucial to determine if guilt has been proved to the requisite standard (HL Parker, 'The Limits of Criminal Sanction' (1968) 161).

Presumption of innocence

Section 10 of the Constitution of Botswana says:

- 'If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established or recognised by law.
- Except for Cameroon, all Commonwealth countries have accusatorial criminal justice systems.
- The starting point in a criminal trial is that the law and society take it for granted that all persons are decent and capable of respect for the law. Therefore, he who alleges that they have broken the law must prove it.

- The presumption of innocence means that until there has been an adjudication of guilt by an authority legally competent to make such an adjudication, the suspect is to be treated, for reasons that have nothing to do with the probable outcome of the case, as if his guilt is an open question.
- V Wilson 'Shifting Burdens in Criminal Law: A Burden on Due Process' (1981) 8 Hastings Constitutional Law Quarterly 731 (Wilson, (1981) 8).
- In principle, the system aims to punish only those persons whose guilt has been established in a fair trial.
- The presumption of innocence protects fundamental liberty and human dignity of any and every person accused by the state of criminal conduct.
- An individual charged with a criminal offence faces grave social and personal consequences, including potential loss of liberty, subjection to social stigma and ostracism from the community, as well as other social, psychological and economic harms. In the light of these consequences, the presumption of innocence is crucial. It ensures that until the state proves the accused guilty beyond reasonable doubt, he or she is innocent. This is essential in a society committed to fairness and social justice.
- The presumption of innocence confirms our faith in human kind; it reflects our belief that individuals are decent and law-abiding members of the community until proven otherwise.
- Chief Justice Dickson in the Canadian case of *R v Oakes* (1986) 50 CR (3rd) 1 (SCC).

Standard of proof

5.1 Standard of proof

- The standard of proof in criminal matters is proof beyond reasonable doubt. This is higher than the standard of proof in civil cases, which is proof on a balance of probabilities.
- This high standard of proof in criminal cases recognises that the consequences to life, liberty and good name of the accused from an erroneous conviction of a crime are usually more serious than the effects of an erroneous judgment in a civil case. Consequently, a high standard of proof was essential in order to minimise erroneous convictions.

5.2 Burden of proof

- The burden of proof allocates the risk of non-persuasion: the person who bears the burden of proof will lose if he does not satisfy the court that he is entitled to succeed in his claim or defence.
- The allocation of the burden of proof to the State in criminal matters is a product of society's preference that innocent people be protected from erroneous conviction.
- The social policy consideration of the presumption of innocence underlines society's appreciation of the potentially destructive nature on the individual of a wrongful conviction. Hence society accepts that the disutility of convicting an innocent person far exceeds the disutility of acquitting an innocent person. This appreciation is embodied in the words that 'better that ten guilty men go free than one innocent person be convicted'.

- The burden of proof deals with both the location of the onus and weight. In criminal matters, it is located on the state and it is discharged upon proof beyond reasonable doubt.
- JC Morton and Hutchison, 'The Presumption of Innocence' (1987) 2.
- PJ Schwikkard, 'Presumption of Innocence' (Juta and Co. 1999) 18; RJ Allen, 'Burdens of Proof, Uncertainty in Modern Legal Discourse' (1994) 17 Harvard Journal of Law and Public Policy 627.
- LB Solum, 'You Prove It! Why Should I' (1994) 17 Harvard Journal of Law and Public Policy 691.
- LB Solum, 'You Prove It! Why Should I' (1994) 17 Harvard Journal of Law and Public Policy 691; RG Gaskins, 'Burdens of Proof in Modern Discourse' (1992).

Meaning of proof beyond reasonable doubt

- The application of the doctrine of proof beyond reasonable doubt in the entire Commonwealth derives inspiration from English Criminal Law. Our courts often rely on the dictum of Sankey LC in *Wilmington v Director of Public Prosecution* [1935] AC 462 [1935] All ER Rep. 1; 30 Cox CC 234: 25 Cr. App. R. 72, H.L.
 'Throughout the web of English Criminal Law, one golden thread is always to be seen, that it is the duty of the prosecution to prove the prisoners guilt (subject to the qualification involving the defence of insanity and to any statutory exceptions) If at the end of and on the whole of the case, there is a reasonable doubt created by either the evidence given by the prosecution or the prisoner, as to whether the (offence was committed by him) , the prosecution has not made out their case and the prisoner is entitled to an acquittal. No matter what charge or where the trial, the principle that the prosecution must prove the guilt of the prisoner is part of the Common Law of England and no attempt to whittle it down can be entertained.'

When is the burden discharged?

- The burden is discharged if the evidence presented by the prosecution proves all the elements of the offence beyond reasonable doubt.
- The investigator must be familiar with the elements of the offence he or she is investigating.
- Insufficient evidence refers to evidence that does not prove all basic elements of the offence charged or any other offence.

Grass-eater v meat-eater

Grass-eaters

- Generally, corruption manifests itself in two forms, there is petty corruption characterised by small but regular acts of corruption. These are the grass-eaters. Like a goat, they feed little but often. This type of corruption is basically aimed at financing and sustaining a lifestyle. Among these are traffic officers; licencing officers; immigration and customs officers; weighbridge attendants etc. They cause a chronic damage to the economy. Most of the time, by the time they get caught, grass-eaters do not have the resources to employ experienced and high-level defence lawyers. The conviction rate is higher among these. No corruption is too small to tolerate. Small acts of corruption are as damaging to the economy as large acts.

Meat-eater – carnivores

- Particular difficulties arise when an investigation involves prominent politicians and wealthy businessmen or multinational companies, or when it involves international bribery cases that require assistance from foreign jurisdictions in collecting evidence in addition. Many law enforcement agencies are technically not up to dealing with complex acts of corruption, insider trading and money laundering.
- Some corruption cases are often characterised by a high degree of sophistication concerning the methods of committing and camouflaging the crimes. This complexity contrasts with the broad lack of training of investigators and prosecutors and magistrates in specific relevant matters such as forensic accounting, public funds or insider trading.
- Unsuitable institutional provisions, especially insufficient independence of the law enforcement agencies from interfering government bureaus, add to these problems.
- Meat-eaters are often supported by skilled lawyers, accountants and experts; such defendants can obstruct the prosecution with lengthy technical objections and interlocutory appeals. Sometimes they even manage to influence the legislative bodies to amend legal provisions in their favour.
- There is a constant need to upskill investigators to keep abreast of developments. 'Training; Training and Training' should be the norm.

Resource constraints

Meaning of proof beyond reasonable doubt

- The meaning of proof beyond reasonable doubt is best captured by the timeless words of Malan J in *R v Mlambo*, which has been taken on board with approval by our courts. The judgment of Gyeke-Dako J in *S v Maphorisa* is a case in point.
- Malan J said at page 737F:

'In my opinion, there is no obligation upon the crown to close every avenue of escape which may be said to be open to an accused. It is sufficient for the Crown to produce evidence by means of which such a high degree of probability is raised that the ordinary reasonable man, after mature consideration, comes to the conclusion that there exists no reasonable doubt that the accused committed the crime charged. He must in other words be morally certain of the guilt of the accused' (1957 (4) SA 727; 1995 BLR 568 (HC)).

Types of evidence

- Throughout the entire Commonwealth and indeed the entire world, evidence is divided into three categories. (i) oral evidence; (ii) documentary evidence; and (iii) physical evidence. The gathering, preservation and tendering of this evidence must be in accordance with rules of admissibility of evidence.

Inclusion v exclusion

- Being criminal proceedings, the onus is on the State to prove the accused's guilt beyond a reasonable doubt in a fair trial which in terms of the Constitution entails the right to challenge the evidence.
- However, the right to challenge evidence does not always encompass the right to cross-examine the original declarant; see *S v Ndhlovu and others* 2002 (2)

SACR 325 (SCA) para 24; *S v Shaik and others* [2006] ZASCA 105; 2007 (1) SA 240 (SCA) para 171.

- In the criminal proceedings, the presumption of innocence and the right to challenge evidence (which are now constitutionally recognised features of the broader right to a fair trial) put a brake on reception of ILLEGALLY OBTAINED EVIDENCE in criminal trials against the accused
- The dichotomy between crime control and due process.
- In all the courts around the entire world, the enforcement of criminal law demands a balance between two competing values. There is on the one hand the need to combat crime and be tough on criminals and on the other the need to afford due process to those accused of criminal conduct.
- The role of criminal procedure is to provide rules and mechanisms for reliable determination of guilt. The intention is therefore to put in place a fair system for the determination of guilt for all persons accused of crime. Criminal procedure defines the courts, the process and the likely outcome (Ashworth, 1979).
- Criminal procedure must ensure that the guilty are convicted after following fair and reliable processes. The ultimate aim is to protect the innocent from erroneous conviction. There is always a risk of acquitting the guilty and convicting the innocent (Damaska, 'Evidentiary Barriers to Conviction and Two Models of Criminal Procedure: A Comparative Study' [1972–73 121 University of Pennsylvania] 505 506, Damska, 1972–73).

Rules on admissibility of evidence

- Criminal procedural law provides the medium through which rights are vindicated. It provides rules on admissibility and inadmissibility of evidence and defines what evidence is and modes of adducing it.
- Section 35(5) of the Constitution of the Republic of South Africa of 1996 ('the Constitution') provides:
- '35(5) Evidence obtained in a manner that violates any right in the Bill of Rights must be excluded if the admission of the evidence would render the trial unfair or otherwise be detrimental to the administration of justice'.

Categories of mostly objectionable evidence

- Confessions
- Pointing out
- Illegal search
- Unauthenticated repatriated evidence
- Confession

'Section 217 of the Criminal Procedure Act of the Republic of Namibia deals with admissibility of confession by accused -

- *(1) Evidence of any confession made by any person in relation to the commission of any offence shall, if such confession is proved to have been freely and voluntarily made by such person in his sound and sober senses and without having been unduly influenced thereto, be admissible in evidence against such person at criminal proceedings relating to such offence: Provided -*

- (a) that a confession made to a peace officer, other than a magistrate or justice, or, in the case of a peace officer referred to in section 334, a confession made to such peace officer which relates to an offence with reference to which such peace officer is authorized to exercise any power conferred upon him under that section, shall not be admissible in evidence unless confirmed and reduced to writing in the presence of a magistrate or justice; and
- (b) that where the confession is made to a magistrate and reduced to writing by him, or is confirmed and reduced to writing in the presence of a magistrate, the confession shall, upon the mere production thereof at the proceedings in question
 - (i) be admissible in evidence against such person if it appears from the document in which the confession is contained that the confession was made by a person whose name corresponds to that of such person and, in the case of a confession made to a magistrate or confirmed in the presence of a magistrate through an interpreter, if a certificate by the interpreter appears on such documents to the effect that he interpreted truly and correctly and to the best of his ability with regard to the contents of the confession and any question put to such person by the magistrate; and

S v Malumo (CC 32/2001) [2010] NAHC 20 (1 March 2010).

Hearsay evidence

- Hearsay evidence can be defined as evidence of communication by a non-witness tendered to prove the truth of that which the non-witness intended to communicate. Hearsay evidence was redefined in s 3(4) of the Law of Evidence Act to mean evidence whether oral or in writing, the probative value of which depends upon the credibility of any person other than the person giving such evidence.
- [93] Evidence is admissible when it has to be taken into account by the court in determining whether the facts in issue have been proved or not. The basic rule is that to be admissible evidence it must be relevant. Section 210 of the SA CRIMINAL PROCEDURE Act provides
 - 'no evidence as to any fact, matter or thing shall be admissible which is irrelevant or immaterial and which cannot conduce to prove or disprove any point or fact at issue in criminal proceedings.'
- Generally, hearsay evidence is not admissible. The primary reason for the exclusion of hearsay evidence is its general unreliability simply on the ground that it rests, for its evidential value, on the untested memory, perception sincerity and narrative capacity of a declarant or actor who was not subjected to the oath, cross-examination or any other procedural devices.
- However, s 3(1)(c) provides an exception to the general exclusionary rule of hearsay evidence provided the requirements set out in paragraphs (a), (b) or (c) are satisfied. In terms of s 3(1)(c) the court has a discretion to receive hearsay evidence whenever it is 'of the opinion that such evidence should be admitted in the interests of justice'. The admissibility of all hearsay evidence rests on two basis; trustworthiness and necessity. To put it differently the evidence in question must carry the 'hallmark of truthfulness and reliability' for its reception to be doubtlessly justified; see *S v Mokoena and others* 2006 (1) SACR 29 (W) at 47f.

Exceptions

- Factors that have to be considered order to determine if hearsay evidence should be admitted are: the nature of the proceedings; the nature of the evidence; the purpose for which the evidence is tendered; the probative value of the evidence; the reason why the evidence is not given by the person upon whose reliability the probative value of such evidence depends; any prejudice to a party which the admission of such evidence might entail and any other factor which should in the opinion of the court be taken into account; see also *Savoi and others v National Director of Public Prosecutions and another* 2014 (1) SACR 545 (CC) para 49.

Pointing out

- LESOTHO s.229 (2) of the Criminal Procedure and Evidence Act, No.7 of 1981 ('the Act') are relevant and read as follows:
 - 'Evidence may be admitted that anything was pointed out by the person under trial or that any fact or thing was discovered in consequence of information given by such person notwithstanding that such pointing out of information forms part of a confession or statement which by law is not admissible in evidence against him on such trial.'
- The corresponding provisions in the South African Criminal Procedure Act No.51 of 1977, namely s.218 (2) provide as follows:
 - 'Evidence may be admitted at criminal proceedings that anything was pointed out by an accused appearing at such proceedings or that any fact or thing was discovered in consequence of information given by such accused, notwithstanding that such pointing out or information forms part of a confession or statement which by law is not admissible in evidence against such accused at such proceedings.'
- Despite the slight difference in wording the substance of the provisions are identical.

Botswana Section 228 Cp&E

ILLEGAL SEARCH AND SEIZURE

- In *S v Tandwa* 2008 (1) SACR 613 (SCA) para [116], the Supreme Court of Appeal held in relation to section 35(5) of the Constitution:
 - 'The notable feature of the Constitution specifically excludes the provision is that it does not provide for automatic exclusion of unconstitutionally obtained evidence. Evidence must be excluded only if it (a) renders the trial unfair; or (b) is otherwise detrimental to the administration of justice. This entails that admitting impugned evidence could damage the administration of justice in ways that would leave the fairness of the trial intact: but when admitting the evidence renders the trial itself unfair, the administration of justice is always damaged. Differently put, evidence must excluded in all cases where submission is detrimental to the administration of justice, including the subset of cases where it renders the trial unfair. The provision plainly envisages cases where evidence should be excluded for broad public policy reasons beyond fairness to the individual accused.'
- It is our opinion that, in the present case, the inclusion of evidence seized during the search would both render the trial unfair and be otherwise detrimental to the interest of justice for the following reasons.

- In the present case, admitting the evidence could potentially render the trial unfair, because the fruits of the unlawful search are the only evidence against the Appellant on most of the offences charged. There is no corroborative evidence whatsoever to link the Appellant to the alleged crimes except for the evidence that was illegally obtained in violation of his constitutional rights. The risk of a miscarriage of justice is made that much greater by the fact that there is no such corroborating evidence.
- The admission of the evidence would in the circumstances of this case also be detrimental to the administration of justice. The warrant is so inadequate, cavalier and fatally defective, and the extent to which its terms were exceeded so significant, that the conduct of the SAPS, however well-intentioned it may have been, cannot be countenanced. Allowing evidence that is obtained in such a flagrantly unacceptable manner could lead to a plethora of similar unlawful searches and seizures by police.

Value judgment

- *Key v Attorney-General, Cape Provincial Division and another* [1996] 1996 (4) SA 187 (CC) para 13 the Constitutional Court set out the general approach as to what constitutes a fair trial as follows:
 - 'In any democratic criminal justice system there is a tension between, on the one hand, the public interest in bringing criminals to book and, on the other, the equally great public interest in ensuring that justice is manifestly done to all, even those suspected of conduct which would put them beyond the pale. To be sure, a prominent feature of that tension is the universal and unceasing endeavour by international human rights bodies, enlightened legislatures and courts to prevent or curtail excessive zeal by State agencies in the prevention, investigation or prosecution of crime. But none of that means sympathy for crime and its perpetrators. Nor does it mean a predilection for technical niceties and ingenious legal stratagems. What the Constitution demands is that the accused be given a fair trial. Ultimately, as was held in *Ferreira v Levin*, fairness is an issue which has to be decided upon the facts of each case, and the trial Judge is the person best placed to take that decision. At times fairness might require that evidence unconstitutionally obtained be excluded. But there will also be times when fairness will require that evidence, albeit obtained unconstitutionally, nevertheless be admitted.' (Footnotes omitted.)

Recommendations

In conclusion, I would like to make the following recommendations:

- there must be continuous training of anti-corruption agents to keep abreast with the developments;
- anti-corruption agencies and prosecution divisions must be adequately resourced;
- there must be prosecution guided investigations as early as possible during investigations;
- the independence of anti-corruption agencies must be developed and maintained; and
- international mutual assistance must be widened between Commonwealth anti-corruption agencies.

Annex 9: Doing Clean Business and Investment in Africa

By Charlette Adams, Director, Jenwood Global, USA



What is a business?

A business is:

- An organization or economic system where goods and services are exchanged for one another or for money. Every business requires some form of investment and enough customers to whom its output can be sold on a consistent basis in order to make a profit.
- A business is an organization or enterprising entity engaged in commercial, industrial or professional activities. A company transacts business activities through the production of a good, offering of a service or retailing of already manufactured products.
- The activity of making, buying, or selling goods or providing services in exchange for money.

Business ethics

Business ethics are moral principles that guide the way a business behaves. The same principles that determine an individual's actions also apply to business.

Acting in an ethical way involves distinguishing between "right" and "wrong" and then making the "right" choice. It is relatively easy to identify unethical business practices. However, it is not always easy to create similar hard-and-fast definitions of good ethical practice. A company must make a competitive return for its shareholders and treat its employees fairly. A company also has wider responsibilities. It should minimise any harm to the environment and work in ways that do not damage the communities in which it operates. They should not engage in bribery and graft.

Corruption is everywhere

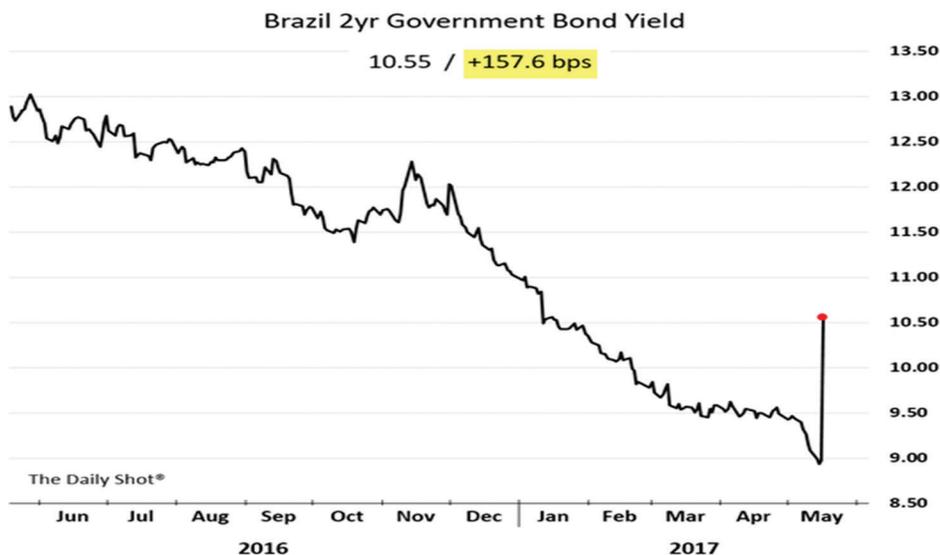
Corruption, the abuse of entrusted power for private gain, is the single greatest obstacle to economic and social development around the world. It distorts markets, stifles economic growth, debases democracy and undermines the rule of law.

- Estimates show that the cost of corruption equals more than 5% of global GDP (US\$2.6 trillion), with over US\$1 trillion paid in bribes each year.
- Corruption adds up to 10% to the total cost of doing business globally, and up to 25% to the cost of procurement contracts in developing countries.
- Moving business from a country with a low level of corruption to a country with medium or high levels of corruption is found to be equivalent to a 20% tax on foreign business.

We all see the consequences of corruption everywhere. The world has too many roads that crumble, money that disappears and projects that drag on endlessly.



A painful example occurred just this month, on 19 May, as President Temer of Brazil sustained serious charges of bribery and corruption. The impact was a shock to the Brazilian bond market of 157.6 basis points. In percentages, the cost of borrowing in Brazil went up over 17% within an hour – and all because of corruption. The Brazilian shock reverberated globally across all emerging markets.



Who else has failed to meet the standard of “CLEAN BUSINESS”?



None other than Rolls Royce, who in January of this year, entered into a £671 million settlement with UK, US and Brazilian authorities to atone for a pattern of bribery in China, Indonesia and Brazil.



Or consider the famed Millennium Park in Chicago – a project that came in at three times its budget and a full four years behind schedule. To this day, no one can explain the errors, but everyone knows that Walsh Construction, aligned with Chicago’s Mayor Daley, got very rich. The World Bank reports that on average, project development loses 10% to 30% to corruption and mismanagement – such money could be better spent on a host of your priorities and stay within your country.

Take a moment and time travel with me back to 234 BC at the trial of Demosthenes in Athens, Greece. Demosthenes had a great lawyer whose trial strategy was to attack government officials who were getting wealthy by taking bribes.

Now fast forward to 1788, and a future President of the United States, James Madison who observed that “If men were angels, we would not need government.”

The obvious lesson is that corruption transcends geography, politics, culture and time. But what about today? Right now? If Demosthenes and James Madison were here, how would they assess the state of project development in today’s world? Why is there so much corruption in construction and project development?

Less obvious financial loss is embedded in the very structure of many African projects where large foreign construction companies provide the capital, the machinery, the labour and the engineering. The expectation is often that repayment will be made with the host country’s minerals and other resources.

Pay close attention – Where does most fraud occur?

A study done by Kroll Inc. found that fraud overwhelmingly occurs in the ranks of management and much less with committed government officials, only 13% of all fraud involves government officials.

World Bank list of industries prone to corruption

- Public works/construction
- Arms and defence
- Oil and gas
- Real estate/property
- Telecommunications
- Power generation/transmission
- Mining
- Transportation/storage
- Pharmaceuticals/medical care
- Heavy manufacturing
- Banking/finance
- Civilian aerospace
- Forestry
- IT
- Fisheries
- Light manufacturing
- Agriculture

Why should you require that companies wanting to do business in your country engage in anti-corruption?

Companies are subject to extortion and some play a role in paying bribes. Accordingly, the private sector is also part of the problem and can also be part of the solution (for example, by sharing responsibility for finding ways to effectively fight corruption).

Doing clean business not only avoids the disasters now engulfing Brazil, but generates additional profit, enforces integrity and attracts more and cheaper capital. I will point to a company I am involved in called Hill International, an engineering and construction management company with 4,300 engineers in 100 offices around the planet. Hill has participated in over 10,000 project assignments with a total construction value of more than \$500 billion. They have that volume of business because banks, investors – anyone with money at risk – trust Hill. If there was no integrity and confidence, there would be no business. The application to Commonwealth is this: building a model of assured integrity means more and cheaper capital, timely delivery and lower budget infrastructure projects.

What is the way forward? How can the Commonwealth Africa manoeuvre project management, integrity monitoring, audit trails and global banking surveillance to achieve the noble and worthy goals of sovereign control and greater wealth?

I propose the model of Hill International, coupled with a fund manager on whose board I am honoured to serve, Jenwood Global. The Hill/Jenwood model ups the game beyond traditional project management. It includes skills that comprehensively police the entire construction-transaction chain. The short hand term for this expanded role is "Integrity Monitoring". By employing the skills of multiple disciplines such as auditing, legal, investigative, engineering, project management, and loss prevention, an Integrity Monitor works to create a culture of legal and regulatory compliance and accountability. A General Contractor that knows that it is being watched is less likely to steal.

Hence a key element of the Hill/Jenwood model is full transparency and control of the project cash. You can know by employing Integrity Monitoring – by advisers who check this and have a contractual allegiance to you, not the contractor. That is how you will know that the concrete and plumbing subcontractors are true and quality of construction is maintained. No less important, is the question of how can you control the capital involved in completing the project?

if you are not controlling the cash, you are going to lose money. The flip side is that if you are controlling the cash, albeit through an independent and transparent third party whose only responsibility is to save you time and money, that cash can work for you in a conservative but very profitable way. I know this from personal experience as a member of the Board of Advisors of a proven fund manager, Jenwood Global. We have managed cash at a consistent 10% to 15% yield.



Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2017	3.83%	1.74%	-0.05%	1.21%	-	-	-	-	-	-	-	-	6.86%
2016	-1.76%	-0.44%	2.98%	-0.38%	4.09%	-2.27%	5.70%	1.53%	-2.60%	-0.14%	3.51%	1.34%	11.76%
2015	-2.49%	5.70%	0.93%	0.63%	1.12%	0.53%	0.71%	-6.59%	-2.87%	7.32%	-0.14%	-1.76%	2.37%
2014	-7.07%	14.98%	6.03%	3.89%	10.90%	12.29%	-6.67%	11.49%	-9.23%	1.59%	5.67%	-2.41%	45.03%
2013	31.77%	-13.46%	20.86%	7.77%	1.80%	-5.79%	23.90%	1.95%	-0.04%	13.93%	9.70%	7.07%	140.89%

There is every reason that prudent management of your undeployed project cash should also yield that same 10% to 15%.

If you are controlling the cash and have transparency, then you have an audit trail. With an audit trail, you can leverage the growing global anti-money laundering network and catch the bad guys who try to steal from your citizens.



Let me give you an example of Mahmoud Thaim, former government official of Guinea who was convicted earlier this month by a Manhattan, New York jury for taking bribes from Chinese tycoon Sam Pa. To prove the crime, the prosecutor did not bother with Mr. Pa, but simply relied on a financial-records trail left by a series of Mr. Thaim bank accounts in Hong Kong and New York. Ask yourself, would Mr. Thaim have stolen money if had known that someone was watching?

The Hill/Jenwood solution may be summarized with 4 principles:

1. Identify The Corrupt or Wasteful Practices Most Likely to Trigger Delay and Loss

The familiar builder's adage, "measure twice, cut once" applies to this early planning stage. Here, the focus is on value engineering and systemic project problems. This process may entail contract reviews, value engineering peer review, background checks, investigations, and audits.
2. Assess The Controls in Place to Mitigate Those Risks. This approach enables you the client – to avoid wasting limited resources on areas of minimal concern or risk, while maximizing focus on the issues of greatest concern.
3. Implement Solutions: Integrity Monitoring will
 - a. Force transparency and accountability – Did you really get all of the concrete you just paid for?
 - b. Enforce control and deterrence – Will a foreign-based contractor overcharge if it knows that it will be caught?
 - c. Creating a culture of compliance and accountability – this culture builds a reputation of reliability and attracts more investment and cheaper capital
4. Manage The Cash and Global Banking to Your Profit and Protection:
 - a. Cash should always be working as hard as you do
 - b. If you are managing the cash, then you have an audit trail and it is much easier to leverage global anti-money laundering to your advantage

What can you require companies to do?

An increasing number of companies are demonstrating leadership by implementing effective anti-corruption programmes within their companies. Common features of such programmes include:

- Detailed policies on company-specific bribery issues such as kickbacks, extortion, protection money, facilitation payments, conflicts of interest, gifts and hospitality, fraud and money laundering, and political and charitable contributions
- Management systems and procedures outlining frameworks for risk assessment, training, sanctions, whistle-blowing, continuous internal self-review and external reporting.
- Companies are increasingly engaging in sector-specific or multi-industry initiatives, locally, regionally and/or globally, to share their experiences, learn from peers and, in partnership with other stakeholders, contribute to levelling the playing field.

Benefits of doing clean (corruption-free) business

Reduce the cost of doing business

- Attract investments from ethically oriented investors

- Attract and retain highly principled employees, improving employee morale
- Obtain a competitive advantage of becoming the preferred choice of ethically concerned customers/consumers
- Qualify for reduced legal sanctions
- Improve public trust in business
- Influence future laws and regulations

Commonwealth Africa – the destination for business in the world

I submit my personal and corporate commitment to bring investment capital to our countries. Yes, I have emotional connections to this continent, but my commitment is also good business. The long-term macro trends of the African Commonwealth are strong and growing stronger. The 3 most significant are:

1. First, the world is getting older with diminishing consumer buying power. Africa is getting younger and therefore has an expanding consumer base and labour force. In just 13 years, Africa is expected to have the world's largest working age population of 1 billion. The world needs the African market.
2. Second, Africa is still urbanizing and much of the economic benefit lies ahead. Productivity in cities is three times as high as in rural areas and, over the next decade, an additional 187 million Africans will live in cities, according to the United Nations. This urban expansion is contributing to rapid growth in consumption by households and businesses.
3. Third, we all witnessed the explosive growth in the 90s as the world realized the full benefits of technology through personal computers, advances in telecommunication and the World Wide Web. Similar technology fuelled growth is only now taking hold in Africa, and with it, the promise of spectacular growth. East Africa is already a global leader in mobile payments. Penetration of smart phones is expected to hit at least the 50% mark in 2020 from only 2% in 2010. As technology spreads and urbanization takes hold, Africa will enjoy a much bigger runway for growth than anywhere else in the world.

I make this claim of growth and prosperity with a full understanding of lingering problems of current crop yields, low commodity prices and spot inflation. However, such temporary challenges cannot deny the inexorable tide of African Commonwealth macro trends that empower this land with a stronger hand than some might otherwise imagine.

In the rest of the world, we see disruption. Basic economics teaches that disruption is opportunity and a call to action. The very disruption of Brexit is now motivating for the UK to diversify and increase its trading partner network. China's GDP is 25% dependent on construction. With limited opportunities at home, the African continent is their answer. Even the isolationist, anti-trade rhetoric of President Trump is eroding in the face of global realities.

The challenge for all of us in this room this morning, is to accelerate that change and pace of investment with clean and accountable business. I want to be part of that with you, as does Hill International and Jenwood Global. We are eager to join you in this effort. There are many projects waiting to be built in Africa. We want to be part of that story.

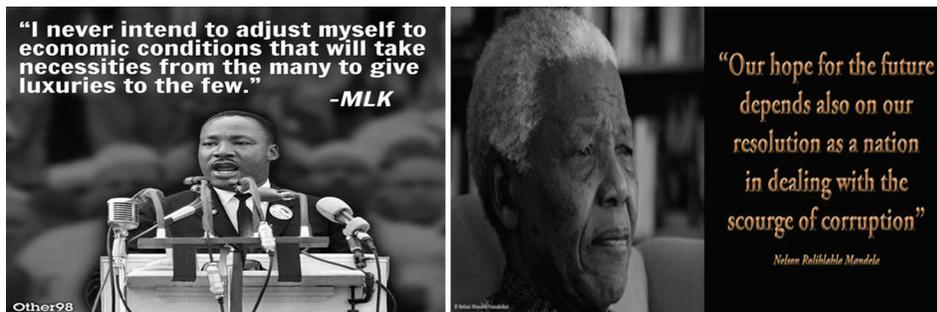
Conclusion

What then shall we make of this subject "Doing Clean Business in Africa"? We see that it is a problem in Africa, because it is a problem within the human heart, and is therefore a problem that transcends geographic boundaries, cultures and time itself.

Accordingly, our solutions must be directed to the human heart and not any particular part of the planet. We must build on the proven constructs such as the Hill/Jenwood Principals that anticipate the passions of the human heart and channel behaviour away from that which is false and immoral to that which is true and moral and right. Our proven model of Integrity Monitoring and Management does just that. Moreover, when combined with our cash flow model it becomes a source of profit, not of expense.

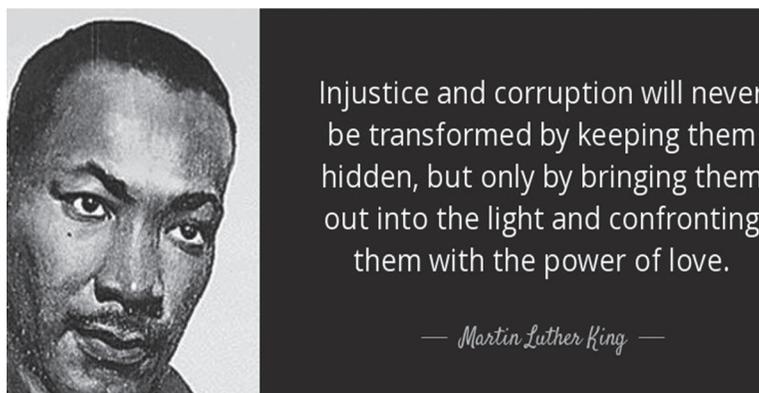
And ultimately, because we are dealing with the human heart, we understand that no structure, no apparatus, no financial model or monitoring will succeed without leadership of honour and integrity. Leadership does indeed matter, and it cuts both ways. In Brazil we see short term thinking and greed in the Presidents in succession, and this disaster that is now Brazil.

On the long term thinking positive side, we can all be inspired by two men who changed the hearts and minds of their doubtful and reluctant populations when we look in reverence to Martin Luther King and Nelson Mandela.



Today, the United States and the entire African continent would be a much bleaker place with a much riskier future were it not for the courageous leadership shown by these two men.

I am confident that the leadership in this room – like Mandela and King – are long term thinkers who daily fight for integrity because you know that it is the best for your people. But also because you know that it is right and good. We stand ready to join you in spirit and in capital to make that happen and to build a legacy of a richer, stronger African Commonwealth.



Annex 10: Mapping Relationships of African Anti-Corruption Agencies Network

The network of ACAs in Africa

Relationships, exchange and learning for change

An analysis of the collaboration and exchanges of knowledge and practice as described in the Report on the 6th Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa

A pilot and an experiment

The AACA are working together to share learning and develop effective and efficient practices in order to build sustainable governance systems and strengthen trust between the bodies politic and the citizens of the countries in The Commonwealth.

At the 2016 AACA Conference, countries reported their activities in supporting learning and exchanging practice. The information was provided in the form of individual country reports.

These rich data offered the chance to look at the 'network' as a whole and to examine the connections between different ACAs and what types of activity and outcomes took place in the past year.

This is the first time The Commonwealth has attempted to map relationships and network links and it was a small pilot study experimenting with new approaches to social and economic network research.

abdi ltd., a UK evaluation consultancy has been piloting this experimental work since 2014 and was commissioned by The Commonwealth to take a look at the Conference proceedings and to prepare a short presentation on the findings.

The aim was to explore with the Heads of the ACA and The Commonwealth representatives whether this type of analysis helps to provide deeper insight into whether and how building relationships and supporting networking for learning and practice change can drive changes; in this instance, change practice and behaviours which it is hoped will in their turn reduce corruption.

Why do this?

A presentation on the findings from this analysis and mapping of relationships was provided by Jane Massy, CEO of abdi ltd. She expressed the hope that it would provide some increased insight into the dynamics of the network and give some direction for future evaluation data about how impact outcomes may be influenced through the processes and practices of collaboration and networking.

She expressed a wish for the conference to discuss the following questions.

- What insight does this offer?
- What more can we ask of the data?
- What might it suggest for decision making?
- What needs to be actioned to make it more useful?
- Do you have an appetite to examine yourselves as a network in this way?

The slides presented at the conference examined the 'traffic' between ACA and related bodies across the Commonwealth countries of Africa. The data was derived from the reports presented by each country at the 2016 Conference. It should be noted that some of the data reported visits to/from non-Commonwealth and/or non-African countries. These were specified where they occurred. There were a few discrepancies between reports. It was assumed that some countries under reported incoming or outgoing visits. There were also some differences in the numbers of days reported between hosting and visiting countries. As this is a pilot, these small differences were ignored and all references to all visits included.

Figures 1 and 2 show the network activity that took place during the year 2015–6 as reported by delegates to the AACA annual conference 2016.

Four AACA countries had reported the most active hosting and visiting links. These were Botswana, Malawi, Mauritius and Tanzania. These four countries were dominant in their face to face networking during 2015/6. It was noted that there is no evidence trail of remote/virtual networking which would add significant richer data about the relationships between each agency.

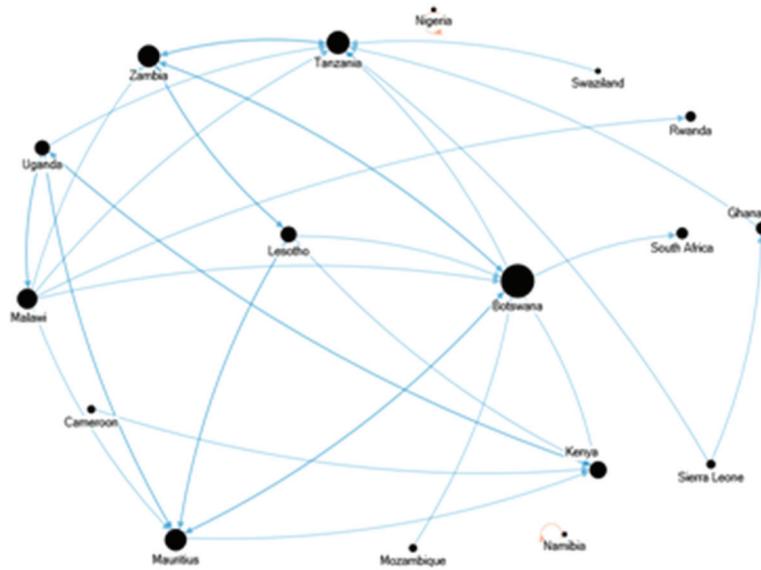
The most active agencies

The 2016 reports identify different agencies that either hosted or visited other countries in the network. The most active agencies for that one year were identified and mapped. The blue arrows refer to visits by that agency to other countries. The

Figure 1



Figure 2



**African Commonwealth countries visits and exchanges
2015-6**

green arrows represent the visits to that agency from other countries. The larger the arrow, the greater the number of days spent for visits.

The most active agencies were

- DCEC Botswana (highly active in both directions)
- PCCB Tanzania (highly active incoming)
- ACB Malawi (highly active outgoing)
- ICAC Mauritius (highly active in both directions)

It should be noted that the level and scope of networking activities will change year on year. The level could be influenced by many factors: the demands on the agency at a given time, budget availability, the subjects of interest for knowledge sharing and whether they meet the interests of that specific agency or country at that time, limits

Figure 3

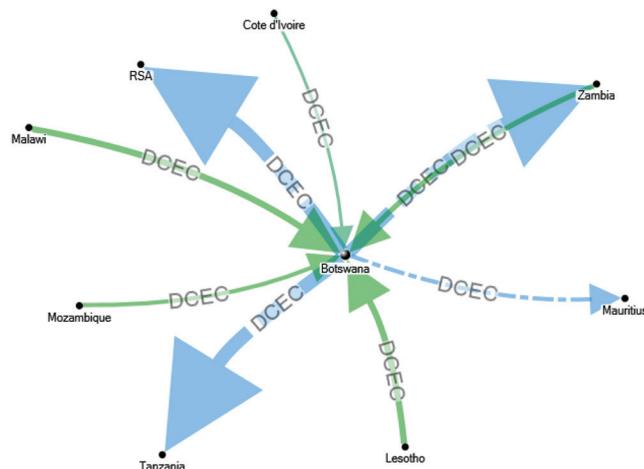


Figure 4

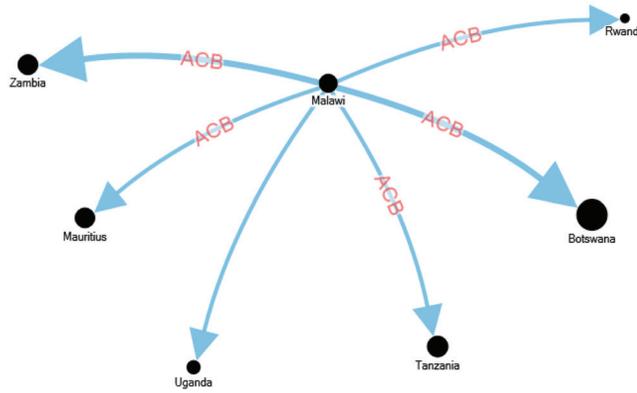


Figure 5

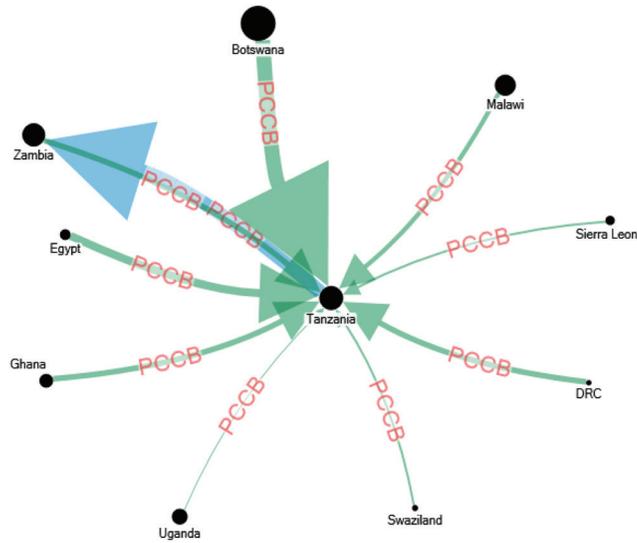
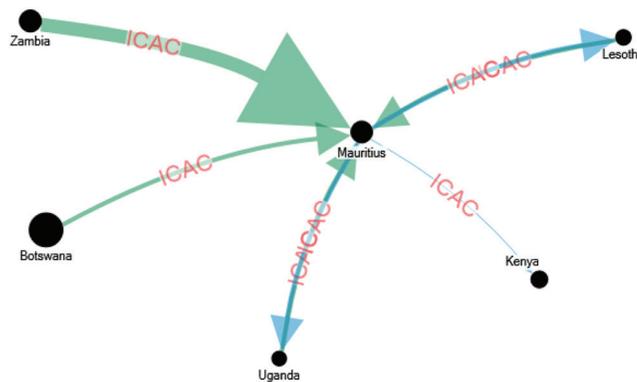


Figure 6



on the agency role with respect to certain aspects of anti-corruption work etc. It is therefore strongly recommended that this recording and mapping of networking and knowledge exchange is continued on an on-going basis as it is quite possible that in another year, the picture could look very different. Understanding the factors that influence changes in the dynamics of the relationships should help to provide deeper

insight into what factors influence activity and if any of these have stronger or lesser influence on outcomes. Graphics can be produced which present a static (one time only) AND evolving picture.

What is reported as outcomes?

The identification of outcomes was derived from a deep reading of each country report from 2016. There were several challenges for the qualitative analysis. The reports were provided in narrative form and although tabulated under standard headings, most reports describe 'activity' information under the heading 'outcomes'. With respect to learning, few reports were specific about what had been learned and were more likely to refer to learning about what other agencies did rather than what they themselves had gained in terms of knowledge and specific ideas for change.

Very few refer to planned or actual changes that took place in their countries as a direct result of their networking. Nonetheless, the narrative from the reports was structured according to the following scheme: 1. learning, 2. planned actions and/or a recommendation for change, and 3. change implemented¹. All agencies reported learning with a very few also reporting action plans and/or recommendation for change and even fewer reported actual implementation of change based on what they had learned during their networking visits. A small sample of agency reports were presented to the conference showing these types of outcomes.

Figure 9 shows the subject of change as described in the narrative report from 2016.

Further analysis identified some specific knowledge areas of interest to network members (Figure 10 and 11) which may also provide all network members with information about agencies with growing knowledge and practice in those topics.

It was noted that it would be beneficial to record the outcomes in more detailed and standardized form at the time of the networking activity. These could be quality assured and guidance provided to improve reporting on an on-going basis. Standardizing the reporting structure and content would enable consolidation and improve the opportunity to report more robust cumulative/evolving and comparative analysis leading to better insight into the effects of networking and knowledge sharing.

Figure 7

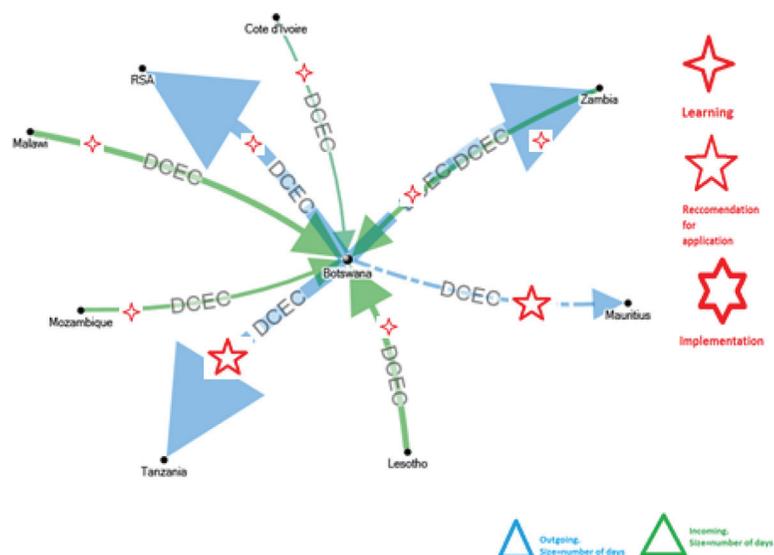


Figure 8

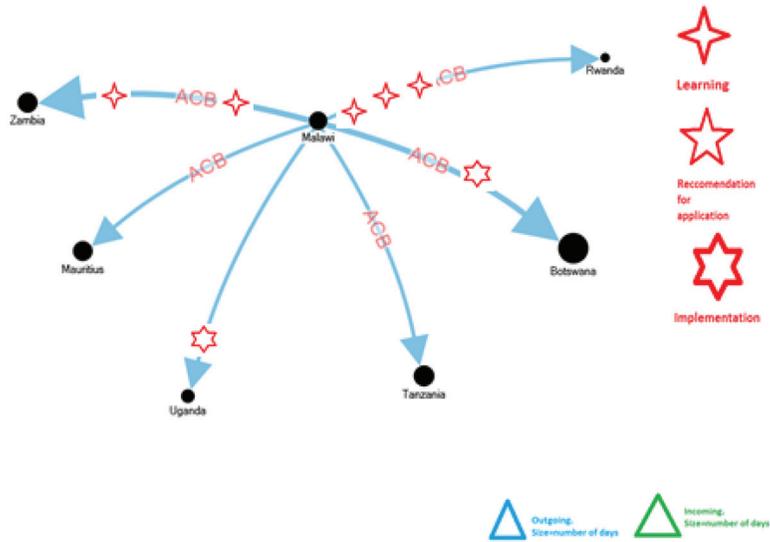
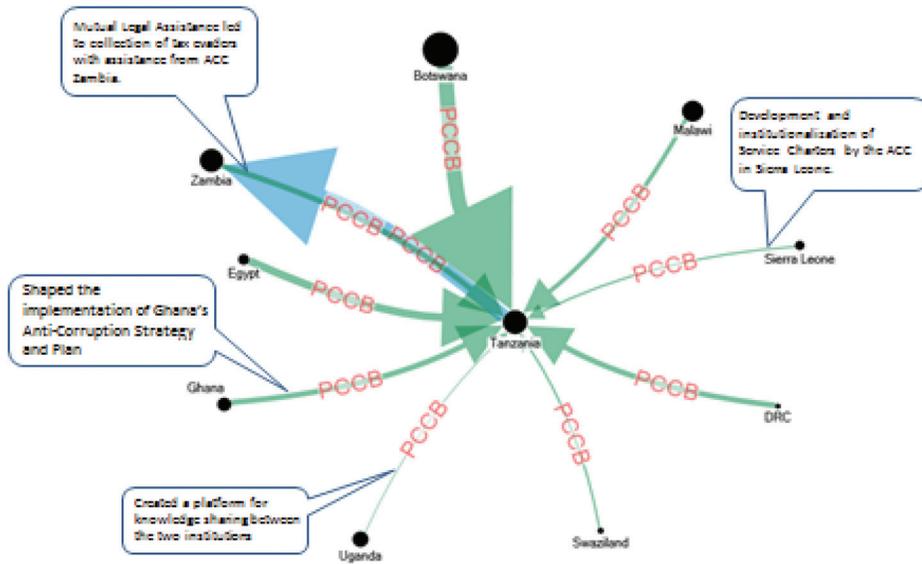


Figure 9



Examples of outcomes towards which the visits contributed

It was unlikely that only reporting on one year, there would be impact outcomes (in other words, a reduction in any corrupt practices) so impact outcomes could not be identified. This is to be expected as it is highly unlikely in such a sensitive and complex domain that impact outcomes would occur so quickly. It was noted that it would be very important to gather data over a longer period than one year to identify outcomes the evidence for which may only become visible over a longer period of time. It is also noted that it is highly unlikely that any impact outcomes would result only as a result of the networking and it is important to recognizing the range of other influences would need to be assessed with a full contribution analysis prior to claiming the effects of networking. This issue is raised in the recommendations below.

Figure 10

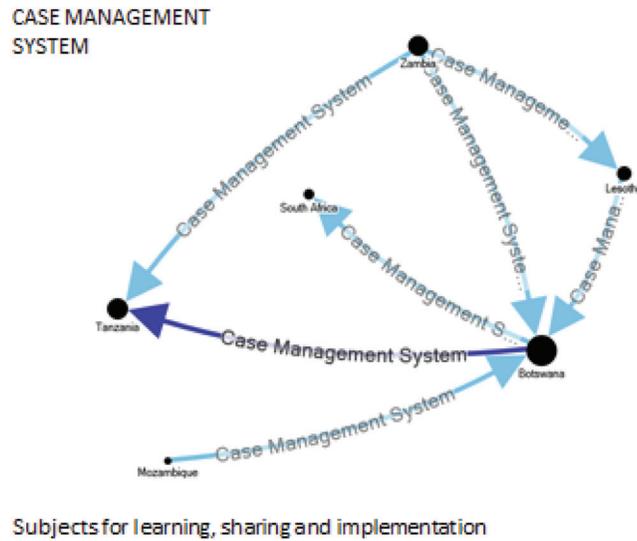
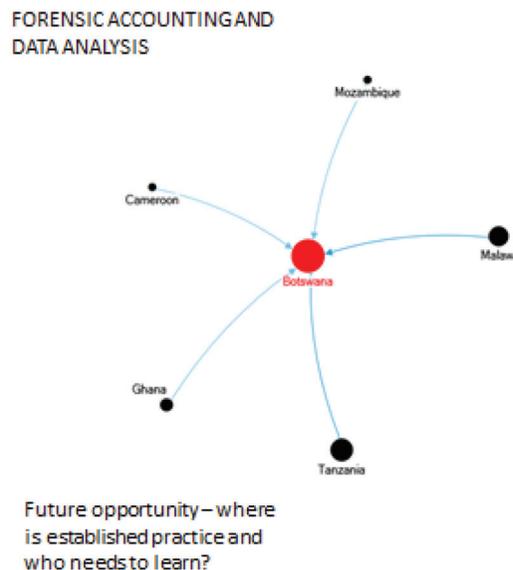


Figure 11



Recommendations

Following a lively debate with many questions, the presenter proposes the following recommendations.

- The Commonwealth Secretariat working with the AACA should provide a more detailed standardized template in three parts.
- Part A should list the expected knowledge items and expected learning outcomes and completed prior to the visit. During and immediately following the visit, Part B should be used for recording the actual activities, the actual learning outcomes, and the agency planned actions and recommendations for change. Part C should be completed over the following 12–24 months recording actual changes or the reflections on why the planned actions and recommendations were not followed up.

- A remote quality assurance service should be provided to review the completed Parts A and B and used to provide feedback for improvement and to feed into guidance to be circulated to all agencies. These can be used for milestone reports for peer reviews across the network.
- Data from parts A and B from all agencies should be transposed into a single table for analysis and used for annual reporting with follow up request for an updated Part C to each agency year on year about previous planned actions and recommendations for change. This would enable several outputs to be generated to provide the AACAs and The Commonwealth Secretariat with an evaluation of the networking and knowledge sharing and evidence of their contribution to outcomes including impact outcomes.
- A 3 day training course on planning, monitoring and evaluating outcomes should be provided through the Botswana Training Centre for AACAs members². This would build the individual agencies M&E capacity and provide a cadre of agency leaders with new knowledge and skills for further sharing and exchange across the network. The course should be practice based with each participant using a specific networking example to apply what they have learned³. If the Training Centre and Commonwealth Secretariat are interested, the work of the participants could be subject to formal assessment thus gaining the individuals with a UK qualification.

Jane Massy
abdi ltd

June 2017

A special thanks to Roger Koranteng and Evelyn Pedersen for their support and encouragement for this pilot and the wonderfully efficient and hospitable team at ACB in Malawi for the opportunity to present at the Association of African Anti-Corruption Agencies Conference 2017.

Notes

- 1 These were given for the purpose of graphic presentation a four, five and six point star symbol.
- 2 Abdi ltd would like to be given the opportunity to present a proposal for this course which is well established, and if candidates wish to be assessed as competent and achieve the standard, they can achieve a nationally recognised UK qualification.
- 3 For example, the establishment of anti-corruption clubs, building a case based system, developing new accounting forensic skills, establishing new special investigations units, implementing new corporate online declaration etc.



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THE DIRECTOR GENERAL

8th June, 2017

Rt. Hon. Baroness Patricia Scotland QC
Secretary General
Commonwealth Secretariat
Marlborough House, Pall Mall
London, SW1Y 5HX
United Kingdom

Dear Rt. Hon. Baroness Patricia Scotland QC,

**LETTER OF APPRECIATION FOR COMMONWEALTH SECRETARIAT
ANTI-CORRUPTION WORK IN COMMONWEALTH AFRICA - THE
ASSOCIATION OF ANTI-CORRUPTION AGENCIES IN COMMONWEALTH
AFRICA AND THE COMMONWEALTH AFRICA ANTI-CORRUPTION
CENTER IN BOTSWANA**

I write on behalf of all the Heads of Anti-Corruption Agencies in the Commonwealth Africa, the Commonwealth Africa Anti-Corruption Centre and Governments we represent in the eighteen member states of the Commonwealth Africa region.

Please accept our sincere gratitude and appreciation for the excellent anti-corruption work the Commonwealth Secretariat is doing in the Africa region. Not least is the financial and technical assistance the Commonwealth Secretariat has rendered since 2011 when it established the Association of Anti-Corruption Agencies in Commonwealth Africa which has helped us to share best practices, frameworks, toolkits and benchmarks. This has aided Commonwealth Africa to perform much better in fighting corruption than our non-Commonwealth neighbours.

Another important assistance Commonwealth Secretariat has offered Commonwealth Africa is the establishment of the Commonwealth Anti-Corruption Centre in Botswana.

The Centre is the only avenue dedicated for systematic and quality capacity building available to the Anti-Corruption Agencies in Africa. We, again, appreciate the technical assistance and funding in supporting training of our anti-corruption officials from the region. We wish to appeal to you to continue to support, with the minimum of £100K per annum, the Centre requires to build capacity of all the eighteen Anti-Corruption Agencies to fight corruption, particularly, in achieving the SDG 16.

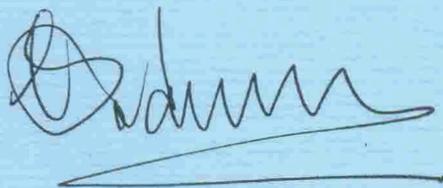
We have just had another successful regional meeting which was hosted by Malawi from 29th May, 2017 – 2nd June 2017, where your inspiring recorded speech was well received and we sincerely thank you for being an Anti-Corruption champion.

Malawi was elected chair of the Association with Nigeria as vice and the host of the next regional conference to held in Nigeria.

Delegates were unanimous in their resolution to continue with their efforts in fighting corruption in their respective countries and the larger Commonwealth Africa region to achieve the SDG 16, counting on the Commonwealth Secretariat continued support. As the association's chair, I look forward to the continued support and collaboration with the Secretariat in our various anti-corruption activities and the lobbying of our Heads of Governments when they meet at the next CHOGM for additional resources for the important Secretariat Anti-Corruption work.

I wish you continued good health and all the best as your steer our Commonwealth to achieve prosperity.
Attached is our Communique.

Kind Regards

A handwritten signature in black ink, appearing to read 'Lucas Kondowe', with a long horizontal line underneath it.

Lucas Kondowe

Chair, Association of Anti-Corruption Agencies in Commonwealth Africa
Director-General, Malawi Anti-Corruption Bureau