

# Ninth Annual General Meeting and Conference of Heads of Anti-Corruption Agencies in Commonwealth Africa

Lake Victoria Serena Golf Spa & Resort, Kigo,  
Kampala, Uganda

6 – 10 May 2019



The Commonwealth

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PROCEEDINGS OF THE

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

Lake Victoria Serena Golf Spa & Resort,  
Kigo, Kampala, Uganda  
6–10 May 2019



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# Message from the Secretary-General of the Commonwealth

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

We who are gathered here know only too well the pernicious economic, social and political impact that is wrought by entrenched corruption in the lives of people in our communities and in the lives of our nations.

It undermines in ways which are truly tragic the ability of our countries to deliver inclusive and sustainable economic growth and social progress.

So the theme for this conference is as urgent as it is appropriate: "Time to Act: Prevent Corruption for Sustainable Development".

The 2030 Agenda for Sustainable Development presents us all with exceptional opportunities to reorient our individual and collective efforts along new pathways towards development that has sustainability at its core.

The Sustainable Development Goals match the ambitions of our Commonwealth Charter, and our 53 member countries are committed to working towards them in a spirit of goodwill and mutual support.

Indeed, our Commonwealth Charter, adopted in 2012, can be seen as the precursor and template for the 2030 Agenda for Sustainable Development, which was agreed in 2015.

The sixteen articles of our Charter match almost precisely the seventeen Sustainable Development Goals of the 2030 Agenda – with the addition of that overarching Commonwealth principle of partnership, which we therefore include in our preamble.

As the defining document to which all our member states voluntarily commit themselves, the Commonwealth Charter sets out the core values and principles to which we aspire and against which we measure ourselves.

Weaknesses or underperformance in any of the areas such as democracy, human rights, freedom of expression, separation of powers, rule of law or good governance are harmful in their own right, but they also open the door to widespread corruption.

Corruption and weak governance or failure to uphold the rule of law result in more inequality and less inclusive growth.

And globally, we are facing a tidal wave of corruption.

The IMF estimates that bribery costs roughly \$1.5 to \$2 trillion annually.

With such dire social and economic consequences at stake, the fight against corruption has to be a priority for all our member countries.

In 2015, the UN Office on Drugs and Crime (UNODC) estimated that 2 to 5 per cent of global domestic product is laundered each year, amounting to something between 800 billion and 200 trillion dollars annually.

In the continent of Africa alone, corruption is estimated to cost over 148 billion US Dollars per annum.

So tackling corruption has to be a priority of the highest order if we are in earnest about achieving the Sustainable Development Goals – and we are.

That is why SDG 16 incorporates specific targets relating to reducing corruption, bribery, and illicit financial flows.

And the IMF has made clear that the success of all other SDGs depends crucially on getting to grips with the corrosive cancer of corruption.

A house cannot be built on rotten foundations.

And corruption will undermine all and anything we do towards attaining the Sustainable Development Goals.

Good governance is supported by a healthy tripartite relationship with government, the private sector, and civil society working together.

Corruption can blight any of these parties, and so all three need to work together to guard against this evil and to root it out.

Eliminating corruption brings multiple benefits; poverty is reduced, economic stability and growth are increased, and standards of living raised.

So we all need to take action to improve transparency and accountability, and to build confidence that our institutions and systems are corruption-free.

That is why the Commonwealth has been active in providing practical technical assistance and development support for national anti-corruption agencies to build their effectiveness in dealing with corruption.

In our anti-corruption work we employ a three-pronged approach, which involves research, capacity-building and networking.

This is being delivered through a strategy of establishing regional anti-corruption agency networks and training centres, facilitating closer cooperation and learning towards attaining SDG 16.

The networks promote collaboration and the exchange among member countries of best practice and of practitioners.

They also assist with peer review and with measuring the capabilities of agencies against benchmarks.

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

There have been many other glowing testimonies from heads of Anti-Corruption Agencies:

- Ibrahim Magu, Acting Executive Chairman of EFCC Nigeria states: "The initiative by the Secretariat to bring the anti-corruption agencies in the Commonwealth Africa countries has brought tremendous improvement in the process and procedures relating to cross-border crime, corruption, fraud and money laundering."
- Shakila Jhungeer, Board Member of ICAC Mauritius, says: "I thank Commonwealth Secretariat for all the help and support she has been providing at the Independent Commission Against Corruption. I would also like to thank Dr Roger Koranteng who facilitated the process of drafting a code of conduct for parliamentarians in Mauritius."

- Ekpo Nta, former Chairman of ICPC in Nigeria, records: "In the last year, Nigerian anti-corruption agencies have cumulatively recovered around USD \$3 billion. The Commonwealth Secretariat has been very focused and has given a lot of direction to the anti-corruption process in Nigeria."
- Paulus Noa, Director-General of the ACC in Namibia, says: "We have richly benefitted from what the Secretariat has done for us. The main benefits that came as a result of this support are, the Secretariat has able to build the capacity of the anti-corruption commission in various fields, either through investigation, public education and corruption prevention."
- Advocate Andy Mothibi, Head of SIU in South Africa, writes: "Working with the Secretariat and the Commonwealth Africa anti-corruption centre in Botswana, there have been quite a number of training programmes that we've sent our members. When they return you could see that they really have picked up the skills to interact with our asset forfeiture unit, and to date we have recovered trillions worth of assets."
- Rose Seretse, former Director-General of DCEC in Botswana, states: "Officers' skills have improved, particularly investigation, prosecution, corruption prevention, and community education. This is all because of the help of the Commonwealth Secretariat, and in particular Dr Roger Koranteng."
- Irene Mulyagonja, Inspector-General of Government here in Uganda, and our host for this conference says: "I had been a judge of the High Court, so I hardly knew about management of institutions when I was appointed as the Head of Inspectorate of Government. The support of the Commonwealth Secretariat, led by Dr Roger Koranteng, transformed the way I look at my role as Inspector General of Government."

Those warm encomiums of praise mean a great deal to us, and they encourage us to work even harder to support all that you are doing in your various national settings to deliver change for the people and communities you serve.

In 2016, very soon after I took up the responsibilities of Secretary-General, which had been entrusted to me by Heads of Government, I convened the Commonwealth *Tackling Corruption Together* conference.

It drew attention, in particular, to the need for a simple pan-Commonwealth tool to provide practical guidance on clear steps that can be taken to promote integrity and combat corruption – within government, and in private sector organisations.

So I am delighted to report that we at the Commonwealth Secretariat have responded to that need.

Through a consultative process with member countries we have developed Commonwealth Anti-Corruption Benchmarks.

Many of you present in this room were vital to that process, and at your meeting in Abuja in May 2018 provided most valuable feedback on an early draft of the Benchmarks.

Indeed, we continue to rely on your expertise as the process of development and refinement continues.

Later this month, the Secretariat will be hosting a meeting of experts to review the Benchmarks package, and we look forward to many of you participating on that occasion.

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

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

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

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

Although designed to be achieved nationally, compliance with some Benchmarks can also be demonstrated by private sector organisations – for example that on 'Organisational anti-corruption systems'.

This will provide enterprises desiring to engage in procurement processes and pan-Commonwealth trade with a recognised standard of attainment and compliance.

So the Commonwealth Secretariat presents these Benchmarks with satisfaction, and our intention would be for them to be considered by Commonwealth Heads of Government when they meet next year in Rwanda.

Next year, 2020, we will be one third of the way through the implementation period for the UN Sustainable Development Goals.

As we move on towards the halfway mark in that period, there is an urgent need for all governments to put in place effective execution, monitoring and evaluation structures for SDG implementation.

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

By impairing the ability of governments to collect tax fairly and efficiently, corruption diverts resources away from the vitally important investments that need to be made in areas such as health, education, and renewable energy.

It tends to attract financing towards wasteful projects with only short-term payoffs or negative impact.

Corruption also acts as a tax on investment – or can block it altogether because of uncertainty about demands for future bribes.

Young people are deterred from investing in skills and education – because, where there is corruption, getting ahead depends on who you know, not what you know.

Most damaging of all, corruption hurts the poor – keeping them poor, robbing them of their life chances and ruining their lives.

It hinders economic opportunity and social mobility, undermines trust in institutions, and causes social cohesion to unravel.

All of these negative impacts are especially debilitating for youth.

When corruption is deeply embedded, far too many young people find that they have no prospects, no sense of purpose, no ability to participate, to make their mark, to flourish, or to contribute to society.

They lose the motivation, become disillusioned, disengaged, and disenchanting.

They lose hope – because corruption can be soul-destroying.

But it does not have to be like that – and I am optimistic that Africa is turning the tide against corruption.

At the 8<sup>th</sup> Anti-Corruption Conference, which was held last year in Nigeria, we heard about the success of anti-corruption agencies in recovering stolen assets amounting to billions of US Dollars.

And the good news continues – with the further progress you are making through the work of your Anti-Corruption Agencies.

Let me mention a few of the inspiring ways in which on this continent the battle against corruption is beginning to be turned:

- In Nigeria the Independent Corrupt Practices and Other Related Offences Commission carried out a Systems Review of Personnel Cost expenditure profile in the MDAs and saved the nation over 100 billion Naira in personnel costs and 68 billion Naira in 2017.
- Over the period 2015–2019 the Economic and Financial Crimes Commission in Nigeria recovered more than 4 billion US Dollars of ill-gotten gains.
- In Mauritius since the beginning of 2015 the Independent Commission Against Corruption has impounded assets suspected of being illicitly acquired worth more than 13.5 million US Dollars.
- In Namibia the Anti-Corruption Commission has caused assets worth 80 million Namibian Dollars to be forfeited by court order.
- In Rwanda the Office of the Ombudsman has already recovered over 7 billion Rwandan Francs.
- In Sierra Leone, the Anti-Corruption Commission last year achieved a 100% conviction rate.
- Unprecedentedly, the ACC in Sierra Leone in less than a year succeeded in recovering domestically over 1.5 billion US Dollars, and expects over the next six months as investigations are completed to reclaim half that amount again.
- Here in Uganda, the total value of assets recovered by the Inspectorate of Government is 217,000 US Dollars. In addition, several other properties have been seized with an approximate value of 3 million US Dollars, and cases proceed in court for the seizing of property to a value of a further 1.5 million US Dollars.

These are good news stories, and I wish to express and put on record my admiration and commendation for all that is being achieved by the Anti-Corruption Agencies gathered here today – whether or not I have referred specifically to their work.

I applaud you all.

I applaud the fact that according to the Transparency International Corruption Index and the Mo Ibrahim Index of African Governance, eight of the ten best performing countries in Africa are Commonwealth members, and that among the ten most corrupt countries in the world there are no Commonwealth Africa countries.

Dr Akinwumi Ayodeji Adesina, the President of the African Development Bank Group sees the future as belonging inexorably to the continent of Africa.

Tackling corruption wherever and whenever it occurs will be an important factor in bringing this to realisation, with Commonwealth leadership and cooperation adding the benefits of collaborative working and collective action – with counterparts set in every continent and ocean.

At this time when multilateralism is under threat, and we see nationalism and narrow self-interest on the rise, the Commonwealth shines as a beacon of hope and promise.

In response to the expectations of our citizens, we continually raise the standards we set for ourselves – whether through mutual support and encouragement among the anti-corruption agencies of our member nations, or by working together to develop Commonwealth Anti-Corruption Benchmarks

An understanding of how as countries, as communities and as individuals we are interdependent lies at the heart of all that the Commonwealth brings to our world – and that includes the work of this 9<sup>th</sup> Commonwealth Africa Anti-Corruption Agencies Conference.

Let us work together in hope and harmony to bring health and wholeness to our Commonwealth.

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

# Acronyms and Abbreviations

|                |                                                                               |
|----------------|-------------------------------------------------------------------------------|
| <b>ACA</b>     | anti-corruption agency                                                        |
| <b>ACC</b>     | Anti-Corruption Commission (Zambia, Sierra Leone)                             |
| <b>ARIN-EA</b> | Asset Recovery Inter-Agency Network for Eastern Africa                        |
| <b>AUCPCC</b>  | African Union Convention on Preventing and Combating Corruption               |
| <b>CAACC</b>   | Commonwealth Africa Anti-Corruption Centre                                    |
| <b>CHOGM</b>   | Commonwealth Heads of Government Meeting                                      |
| <b>CHRAJ</b>   | Commission on Human Rights and Administrative Justice (Ghana)                 |
| <b>CONAC</b>   | Cameroon National Anti-Corruption Committee                                   |
| <b>CSO</b>     | civil society organisation                                                    |
| <b>CVA</b>     | Corruption Vulnerability Assessment (Zambia)                                  |
| <b>DCEC</b>    | Directorate on Corruption and Economic Crime (Botswana)                       |
| <b>EACC</b>    | Ethics and Anti-Corruption commission (Kenya)                                 |
| <b>EFCC</b>    | Economic and Financial Crimes Commission (Nigeria)                            |
| <b>EOCO</b>    | Economic and Organized Crime Office (Ghana)                                   |
| <b>ESAAMLG</b> | Eastern and Southern Africa Anti-Money Laundering Group                       |
| <b>FATF</b>    | Financial Action Task Force                                                   |
| <b>GIZ</b>     | Gesellschaft für Internationale Zusammenarbeit                                |
| <b>ICAC</b>    | Independent Commission Against Corruption (Mauritius/ Hong Kong)              |
| <b>ICPC</b>    | Independent Corrupt Practices and Other related Offences Commission (Nigeria) |
| <b>IG</b>      | Inspectorate of Government (Uganda)                                           |
| <b>IGG</b>     | Inspector General of Government                                               |
| <b>MLA</b>     | Mutual Legal Assistance                                                       |
| <b>PCCB</b>    | Prevention and Combating of Corruption Bureau (Tanzania)                      |
| <b>SDGs</b>    | Sustainable Development Goals                                                 |
| <b>UNCAC</b>   | United Nations Convention against Corruption                                  |



# Introduction

This report highlights the proceedings of the Ninth Annual General Meeting and Conference of Heads of Anti-Corruption Agencies in Commonwealth Africa, held from 6 to 10 May 2019 at Lake Victoria Serena Golf Spa and Resort, Kigo, Kampala, under the theme 'Time to Act: Prevent Corruption for Sustainable Development'. The conference was convened by the Commonwealth Secretariat and the Inspectorate of Government of Uganda. The conference was a peer-to-peer review meeting with the following objectives:

- to strengthen bilateral relations among anti-corruption agencies (ACAs) within Commonwealth Africa;

- to build inter-agency partnerships among anti-corruption bodies through practitioner exchanges and peer learning;

- to offer anti-corruption agencies an opportunity for international collaboration and co-operation, as well as potential sources of funds; and

- to share strategies, best fit solutions and approaches to tackling corruption and promoting good governance on the continent



# DAY 1: 6 MAY 2019

## Opening Remarks by Justice Irene Mulyagonja Kakooza, Inspector General of Government



The Inspector General of Government (IGG) began her remarks by welcoming HE the President of Uganda and all dignitaries to the opening ceremony. She specially thanked the Secretary-General of the Commonwealth for her continued support to ACAs in Commonwealth Africa.

The IGG also thanked HE the President of Uganda for honouring the opening of the conference and appreciated his commitment to the fight against corruption demonstrated through, among other things, his previous participation in the Anti-Corruption Day celebrations in Uganda in December 2018.

Key in her remarks, the IGG noted that the President had endorsed citizen participation in the fight against corruption by empowering citizens to demand accountability and service delivery. She further noted that this strategy was adopted by the Inspectorate of Government (IG) in 2015 through the Transparency and Accountability Component in the Northern Uganda Social Action Fund project, supported by the World Bank. She further noted that through this intervention, Uganda was recognised and the IG was desirous of rolling out the strategy to all government projects.

The IGG observed that for the Heads of ACAs at the Commonwealth Africa Regional Conference, this was an opportunity for stakeholders to strengthen collaborations with each other, document achievements, failures and lessons learnt.

The IGG highlighted the fact that the IG had been able to increase verifications of leaders' assets and had planned to publish the names of leaders whose assets were going to be verified, to enable the public to provide information to facilitate the verification process.

The IGG further explained that the inspectorate had planned to work with other government ministries, departments and agencies to empower them to handle small complaints, in order to allow the IG to focus on more complex cases. In conclusion, she wished all the delegates a comfortable and memorable stay in Uganda.

The IGG thereafter invited Mr George Bamugemereire, the Deputy Inspector General of Government, to present a gift to His Excellency the President of Uganda on behalf of the Inspectorate of Government.

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



Dr Koranteng informed the audience that the Commonwealth Secretariat had established the Regional Conference of ACAs in 2011 with the aim of fostering genuine partnership among member states. He stated that this partnership brokered annual peer review meetings of anti-corruption agencies, which acted as a focal point for the association.

He highlighted the importance of the meetings as a means for sharing of transferrable experiences and peer learning. He further highlighted some of the key challenges in the fight against corruption, such as illicit financial flows and money laundering.

He noted that since corruption had international and cross-border dimensions, the association had been a highly practical forum to address these challenges.

He concluded his remarks by presenting an outline of the conference, including an opening ceremony, four-day technical meeting and an Annual General Meeting. Finally, he thanked the President of Uganda for being a defender of the Commonwealth and Africa as a whole.

## Message from the Commonwealth Secretary-General, Rt Hon. Patricia Scotland QC



Rt Hon. Patricia Scotland lauded all the efforts of the ACAs in Commonwealth Africa and listed some of the recoveries that had been made in different jurisdictions. She emphasised that partnership was a key strategy in the fight against corruption and expressed optimism in the efforts.

She highlighted the economic and social impact of corruption on communities and nations, noting that corruption impaired sustainable growth and social progress. She spoke avidly of the United Nations 2030 Agenda for sustainable development, together with the Commonwealth Charter, which she noted matched almost precisely.

The Secretary-General thanked the President of Uganda for his leadership in the area of fighting corruption. She observed that the environment was another area where corruption had its fingerprint and she urged the Heads of ACAs to consider the impact of corruption on the environment.

She observed that achieving success of all the other Sustainable Development Goals was dependent on getting a grip on corruption. She urged ACAs to work closely with civil society and the private sector, as well as other government departments.

She recognised the 2018 Anti-Corruption Excellence Award received by Dr Koranteng as a testament of the tremendous work of the Commonwealth. She reported on the 22 Benchmarks on Anti-Corruption developed by the Commonwealth and urged the Heads of ACAs to consider the same.

In closing, she thanked the ACAs for their efforts, noting that eight out of the ten best-performing agencies on the Mo Ibrahim Index were Commonwealth Africa countries and none of the Commonwealth countries were among the lowest ranked.

## Remarks by the Minister of State for Ethics and Integrity, Hon. Rev. Fr Simon Lokodo



The Honourable Minister expressed great joy at the presence of the President at the conference and thanked him for all his support in the fight against corruption.

He thanked the IGG and all other agencies in the Inter-Agency Forum for their dedicated service in the fight against corruption and expressed optimism that this was a struggle that could be won.

The Honourable Minister concluded his remarks by welcoming all the dignitaries from the African continent to Uganda and wished them a memorable stay.

## Remarks by the Deputy Speaker of the Parliament of Uganda, Hon. Jacob Oulanya



The Deputy Speaker of the Ugandan Parliament noted that the scourge of corruption was one that needed to be fought aggressively.

He commended the efforts of the Commonwealth and noted that these efforts were addressing many of the challenges in Africa. He urged the Secretary-General of Commonwealth Secretariat to continue encouraging such partnerships as they yielded great results.

The Hon. Speaker highlighted the fact that corruption and terrorism had grown to the extent that they required specific laws to deal with them.

In closing, he urged the heads of ACAs to think 'outside the box' when developing anti-corruption strategies, noting that a lot of money had been put into the fight against corruption, but corruption was still high.

He thereafter invited HE the President of Uganda to deliver the keynote address.

## Keynote Address, Official Opening and Book Launch by HE the President of The Republic Of Uganda, General Yoweri Kaguta Museveni



His Excellency the President welcomed the Secretary-General of the Commonwealth to Uganda and congratulated the IGG and Heads of ACAs upon hosting the conference in Uganda. Thereafter, he launched a book titled "*Tackling Corruption in Commonwealth Africa: The Case Studies of Botswana, Mauritius, Seychelles, Rwanda, and Lesotho*" edited by Dr Roger Koranteng.

The President continued his remarks by stating that the problems of man were basically 'nature fighting man and man fighting fellow man'. He noted that corruption was partly due to having a population that was not fully empowered. He therefore urged those who were part of the fight against corruption to consider emancipating citizens to be able to demand for effective service delivery. He further urged ACAs to emphasise to the populace during sensitisation programmes that prosperity of a few was not sustainable.

The President appealed to ACAs to make use of victims to support them in trapping culprits engaged in corruption, since the victims had nothing to gain from corruption. The President also urged ACAs to look for people of integrity to work within their organisations.

He further identified some major challenges in the fight against corruption, including political blackmail, poor investigations and prosecution, and adjudication. He therefore urged the Commonwealth Secretariat to support the ACAs to ensure effective investigations and prosecutions.

The President also explained to conference participants that the State House Anti-Corruption Unit of Uganda had been established not to fight the Inspectorate of Government of Uganda, but to provide additional support in the fight against corruption. He urged the IGG to deal with corrupt elements within the IG that were tarnishing its image.

He concluded his remarks by wishing members fruitful deliberations and a successful conference.

## Bottlenecks in the Fight Against Corruption in Commonwealth Africa



### **Presentation by Dr Edward G Hosea**

The presenter began by explaining the four models for fighting corruption, namely: the preventive, enforcement, education and multidisciplinary models. He briefly spoke about the history of ACAs before and after the UN Convention against Corruption (UNCAC). He stated that almost all African countries had an ACA or ombudsman and that most models reflected the internal system of a country.

He observed that there had been pressure on African governments to establish specialised agencies by way of a pre-condition to the provision of aid. He cited the bottlenecks in the fight against corruption to be lack of strong institutions, lack of a strategy to prevent corruption, lack of a strong civil society, lack of a free and constructive media, lack of a free and independent judiciary, lack of a strong and sustainable private sector, lack of security of tenure, lack of basic infrastructure, and lack of adequate professional staff.

Among his recommendations, the presenter urged ACAs to be strategic in the fight against corruption. He observed that the more one engaged in high-level corruption investigation, the more the corrupt would use politicians to block progress.

He therefore appealed to ACAs to make a strategy to win by, among other things, avoiding discussing sensitive issues in public, remaining credible and creating an internal affairs unit within the ACAs to deal with 'bad apples' within the organisation. He also urged ACAs to create channels to resolve internal disagreements in order to present a unified face of their organisations and to be compassionate and not to make hasty decisions.

He observed that external interference in the operational autonomy of ACAs came from varied sources of power. Therefore, ACAs needed to engage civil society and the media as their allies to end that interference. In his opinion, public support was political capital to fend off high-level interference.

He also highlighted the importance of a good public relations officer in an organisation, who must only communicate when necessary. He called on ACAs to develop strong partnerships with other government institutions, the international media and people with a good reputation who could speak positively for an organisation.

The presenter concluded his remarks by speaking briefly about preventive methods of anti-corruption and suggested that unlike high-profile investigations, they provoked little fight back and were a very good strategy. He finally called upon the inter-agency of ACAs to continue collaborating and learning from each other.

## Plenary

A delegate wanted to know how it was possible to investigate corruption using multiple competing anti-corruption institutions. The presenter responded by saying the more institutions involved, the better it was for the fight against corruption. Kenya wanted to find out how best to handle situations when faced with highly publicised, high-level political investigations. The presenter stated that it was always best not to give a lot of information about such cases to the media.

Botswana noted that that attainment of a free and independent judiciary was a challenge, as judges were 'sitting' on cases. He therefore called for public-private partnerships in the fight against corruption. Responding to Botswana, the presenter confirmed that there was generally a problem with the judiciary.

However, he noted that Tanzanian judges were under pressure to finish cases, because of the points system that was based on number of cases concluded. He observed that the judiciary needed to do more in the way cases were heard and that they should be more substantive than procedural in the application of the law.

Nigeria noted that bail should be denied if an accused person was a flight risk or if an accused did not commit to a speedy trial. He further noted that the budgetary ceilings for ACAs should be vastly improved. In as far as the judiciary was concerned, he noted that impunity escalated when cases started but never seemed to end. He observed that such delays led to prosecution fatigue and sometimes witnesses dying.

He observed that a lot of judges in Africa did not give fair judgments and ACAs needed to begin to document the opportunity cost accruing to the failed administration of justice.

Uganda responded to Nigeria by observing that on the issue of the independence of the judiciary and the application of procedural versus substantive law, members needed to be conscious of the protection of the constitutional right of criminals to bail. Uganda noted that independence came with accountability and judicial officers were accountable to all the people they served.

Rwanda noted that it was far better to engage politicians in the fight against corruption than being enemies with them.

The presenter noted that ACAs could never be fully independent, and they needed an 'engage all' approach, while fighting for functional autonomy and resources. He urged ACAs to engage their Heads of State on issues concerning their organisations. He called on ACAs to adopt the Jakarta Principles on Anti-Corruption, as there was no 'rule of thumb' in the fight against corruption; rather they needed to strike a balance in the approaches they used.

## Botswana: Innovative Projects in the Fight Against Corruption



### **Presentation by Mr Malebo John Thupeng**

Botswana gave a presentation on its innovative projects in the fight against corruption. Botswana noted that it had prepared a draft bill on the Declaration of Assets and Liabilities to enhance transparency and promote integrity, to be presented in parliament in July 2019.

Botswana noted that it had also enacted a Whistle-blowers Act. The presenter highlighted the fact that it was developing a monitoring and evaluation framework to be implemented across all sectors. It had also established a Corporate Integrity System (CIS) and was pursuing a feasibility study on the CIS on parastatals and state-owned enterprises.

The presenter noted that the country had further increased interest on anti-fraud and anti-corruption frameworks, anti-corruption policies, whistle-blowing policies, and reporting mechanisms and corruption risk-assessment tools.

Botswana highlighted the fact that it was pursuing prosecution-guided investigations. The presenter explained that the strategy entailed real-time guidance by the Legal Services Division to investigators. It had also established enterprise risk management for the Botswana government, aimed at creating a risk management policy and risk management framework.

Some of the challenges identified by Botswana included inadequate involvement of parastatals, state-owned enterprises, civil society and the private sector in the fight against corruption. The presenter further noted that Anti-Corruption Units' structures were not standardised across ministries and monitoring and evaluation systems were inadequate.

In conclusion, Botswana noted that the fight against corruption was high on the agenda of HE Mokgweetsi Masisi, the President of the Republic of Botswana, and the country was looking to boost the innovation of anti-corruption strategies and initiatives. Additionally, the presenter noted that the country had planned to invest in capacity building of personnel, engage civil society, and complete the drafting and implementation of Whistle-blowers Regulations.

## Cameroon: Innovative Projects in the Fight Against Corruption



### **Presentation by Ms Morikang Tche Irene**

Cameroon gave a presentation on its innovative projects in the fight against corruption. The presenter observed that for the past year, several outreach programmes had been organised in line with recommendation of the African Union, which had declared 2018 Anti-Corruption Year for Africa.

The presenter noted that the programmes included establishing a hotline, setting up of anti-corruption notice boards, election monitoring, inter-religious gatherings and undertaking Cameroon's first corruption perception index.

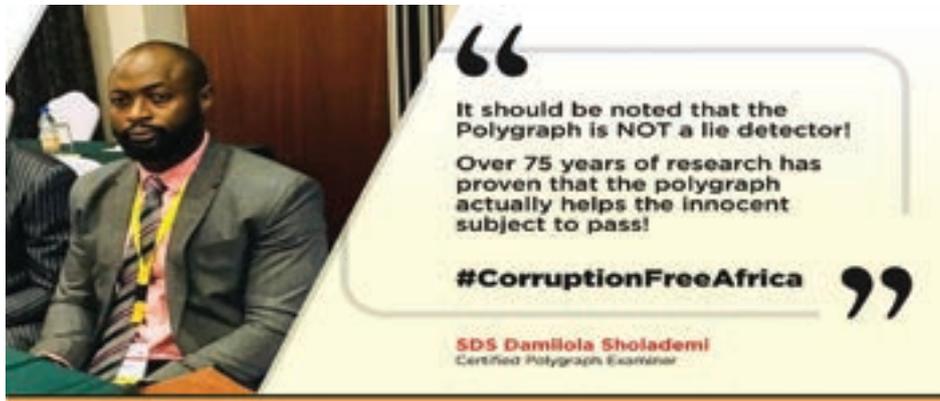
It was noted that the toll-free hotline had been operational since 2018. It sought to mobilise popular support in the fight against corruption, curb impunity and push fear into the camp of the corrupt. The presenter highlighted the challenges in receiving and sorting out calls, of which approximately 100 per day were received. The presenter noted that anti-corruption notices on administrative buildings had led to more people denouncing corruption, while election monitoring had decreased the tendency to buy of votes.

The presenter recommended that political leaders and the population should be educated prior to elections. She also recommended that religious leaders should urge Christians and Muslims to live by the values of their faith.

In conclusion, the presenter noted that there was a new impetus in the fight against corruption and the visibility of the National Anti-Corruption Committee (CONAC) in Cameroon had increased.

# DAY 2: 7 MAY 2019

## Nigeria/EFCC: Polygraph Technology



### Presentation by Mr Sholademi Damilola

The Nigerian presenter from the Economic and Financial Crimes Commission (EFCC) spoke about the use of polygraph technology in investigations. The presenter observed that the polygraph was introduced to Nigeria in 2013 by the EFCC and the commission's polygraph examiners were the first to conduct administrative and criminal testing in Nigeria.

The presenter defined the polygraph as device used to test or question individuals for the purpose of detecting deception or verifying the truth of statements. The presenter noted that in carrying out the polygraph exam, an examiner recorded visually, permanently and simultaneously a person's cardiovascular pattern, respiratory or breathing pattern, and electro-dermal or galvanic skin response pattern, as a minimum.

It was further noted that the exam was based on the principle of the body's response to hormones secreted at the fear of being discovered during deception, with checks on blood pressure, respiratory rate, temperature, electro-dermal activity, and general body movement through the exam.

The presenter concluded by explaining that polygraph tests had an accuracy rate of about 85 per cent, which was far beyond reasonable doubt. It was further explained that as investigators, the technology was cutting edge, as it presented viable leads, revealed hidden evidence and was admissible in evidence in Nigeria.

### Plenary

Zambia wanted to know the challenges that an investigator can face in court using polygraph evidence. The presenter explained that the law in Nigeria allowed for electronically generated evidence. He also highlighted the element of consent given by the examinee before the test.

Mauritius wanted to know what would happen if a person refused to take the test. The presenter responded by stating that they did not have any refusals on record, but if someone refused it would not speak well to their character as it suggested that the person had something to hide.

Eswatini wanted to know why the criminal police in Nigeria did not use the technology. Nigeria stated that it was not clear why the technology wasn't being used, but observed that it was quite costly to set up, and there was no budget for it and very few skilled technicians.

Uganda questioned why the exam could not be taken by a person on anti-depressants. The presenter responded by stating that medication prevented people from responding normally. Uganda also questioned whether the results of the exam would be affected if the examinee was emotionally involved with the examiner. The presenter stated that they did not have any previous experience in that regard.

Kenya wanted to know how the experts distinguished between individuals who were innocent but panicked from the tense atmosphere of the exam from those who panicked because they were criminals.

Nigeria responded by stating that part of the training involved calming people down and a person was stabilised for the duration of exam. Nigeria noted that panicking would not adversely affect the outcome of an exam, but helped set baselines.

## GIZ: Combatting Illicit Financial Flows



### Presentation by Mr Benjamin Maina

The presenter from GIZ observed that illicit financial flows were a global challenge. The presenter highlighted the devastating impact on development as a result of reduced revenues and public resources.

GIZ observed that countries that did not meet international anti-money laundering standards faced sanctions that would impair their access to capital markets, in turn having a negative impact on the investment and employment climate in their countries.

GIZ explained that combating illicit financial flows was thus a key factor in helping to make developing and emerging countries safer and more able to mobilise domestic resources, boosting their economic growth.

The presenter emphasised strengthening international co-operation between public authorities, and implementation of the recommendations of the Financial Action Task Force on combating money laundering and terrorist financing worldwide.

Additional solutions to international financial flows mentioned by GIZ included prevention, investigations, asset recovery, inter-ministerial co-operation, linking at the national, regional and international levels and the 'know your risk' approach, exchange programmes for FIU, and collaboration with regional anti-corruption bodies like East African Association of Anti-Corruption Agencies, ARIN-EA and Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG). GIZ further urged an Africa–Europe dialogue on asset recovery.

## Plenary

A delegate wanted to find out what GIZ could do to assist in the processes to extradite corrupt persons hiding in safe havens in Europe with proceeds of their corruption. The presenter stated that they could support by way of advisory services.

Rwanda wanted to know which legal instrument was available to facilitate international asset recovery. GIZ stated that ARINEA or ESAAMLG could be contacted. GIZ was developing a guide; however, each country would have to domesticate it to meet their own needs. GIZ further urged ACAs to use mutual legal assistance (MLA) channels.

Lesotho wanted to find out how GIZ had arrived at the figures indicating global financial loss. GIZ stated that it had used Organisation for Economic Co-operation and Development (OECD) figures. Ghana wanted to find out to what extent GIZ was carrying out training of ACAs on non-conviction based asset recovery. GIZ stated that an ongoing programme supported in-country initiatives and if one identified a country need, then support could be given through the network.

## Mauritius: The Integrity Officers Project



### Presentation by Ms Suneechur Nandita

The presenter from Mauritius spoke about the proactive and reactive approach to the fight against corruption and noted that promoting public sector integrity was high on the agenda of the Independent Commission against Corruption (ICAC).

The presenter explained the Public Sector Anti-Corruption Framework (PSACF), a proactive approach which contained plans, policies and strategies to build the capacity of public bodies to take ownership for corruption prevention. It was noted that the

implementation rate had, however, been too slow and there was a lack of technical knowledge and skills in undertaking corruption risk management.

The presenter further explained Mauritius's integrity officer (IO) project, which was launched in 2014 to support and complement the PSACF and to help in expediting the implementation of the PSACF, allow for a more permanent link with the ICAC, provide technical guidance on matters of anti-corruption, deter potential corruptors within the organisation, and provide a form of assurance to employees.

The presenter noted that an integrity officer was appointed on the basis of certain qualities including, among other things, seniority and discipline. The presenter further noted that the terms of reference included, among others; implementation of integrity- and anti-corruption-related activities, development, implementation and monitoring of anti-corruption policies, and advising management on integrity.

The presenter observed that the presence of integrity officers had led to faster implementation of the PSACF in public sector organisations, increased awareness of anti-corruption and integrity issues and decreased malpractices and corruption occurring within public sector organisation, and resulted in better co-ordination between the ICAC and public sector organisations, among others.

In closing, the presenter noted that the main challenges to the project included commitment and support from top management, the definition of roles and responsibilities of integrity officers, and conflict within the organisation. It was recommended that there should be a substantive post for integrity officers with adequate remuneration, reward and motivation as part of a performance management system.

## Mozambique: Intervention of Mozambique on Innovative Initiatives in the Fight Against Corruption



### **Presentation by Dr Tassia Martins Simoes**

The presenter briefly spoke about the establishment and mandate of the Anti-Corruption Bureau (ACB). The presenter noted that some of the innovative initiatives implemented included creation and formation of anti-corruption centres in schools and integrating content on anti-corruption in school curricula, among others.

The presenter observed that some of the challenges included the need to ensure the continuity of the activities of the anti-corruption centres; the need to create centres in all schools in the country in order to ensure greater efficiency of the programme; and the need to ensure greater involvement of school boards, as a way to promote community involvement.

The presenter explained that the results from the initiatives included a change in behaviour of students and teachers and reduced levels of corruption.

In conclusion, the presenter recommended, among other things, the establishment of a memorandum of understanding with education authorities, as they would facilitate the collaboration to disseminate ethical and moral values.

## Uganda: Country Report



### **Presentation by Mr George Bamugemereire, Deputy Inspector General of Government, Uganda**

The presenter briefly spoke about the mandate of the Inspectorate of Government (IG) and its strategic plan, which was premised on five pillars, namely: i) improving capacity to investigate, prosecute and make recoveries; ii) leveraging the ombudsman function; iii) automation; iv) strengthening organisational capacity, and v) setting up strategic partnerships.

Among its innovations, the presenter observed that the Government of Uganda had implemented a US\$100 million project known as the Northern Uganda Social Action Fund, with the assistance of the IG. This was brought about to strengthen governance issues by way of implementing the transparency, accountability and anti-corruption (TAAC) sub-component of the project.

The presenter noted that to achieve its objectives, the IG engaged in education, monitoring and enforcement in partnership with communities. According to the presenter, this enabled quick detection that prevented wastage, leakages or diversion of project funds. The presenter further noted that the intervention led to enforcement through investigation, prosecution and recovery.

The presenter further noted that during the implementation of TAAC, citizen engagement was key in ensuring transparency and accountability. As a result, it was noted that the extent of corruption and maladministration at the central government, local government and community levels was greatly minimised. The presenter noted that there was financial accountability of up to 99.9 per cent at the end of the project, an absorption rate of 100 per cent of the project funds and improved quality of the project output.

In conclusion, the presenter recommended that TAAC intervention be rolled out into all government-funded products, as citizens are empowered to monitor government projects and achieve value for money.

## Plenary

Malawi commended Uganda on community involvement and noted that ACAs should act from the beginning of the project. Malawi wanted clarification from Mauritius on the attitudes of other officers towards the integrity officers and how the integrity officers were funded and planned for.

Kenya concurred with use of most senior officers in the integrity officers project of Mauritius. Mauritius stated that the integrity officers sat as secretaries of the public body and were well accepted within their institutions.

Mauritius noted that ICAC gave support to the officers, though there were few cases of complaints involving personal issues. Mauritius observed that for the post of integrity officer, the pay research bureau re-defined roles, salary scales and new posts and the post and salary of integrity officers was under review.

Cameroon wanted to know from Uganda whether there was any legal instrument guiding the communities.

Mozambique wanted to know what instrument Uganda used to cater for the NUSAF2 TAAC programme. Uganda noted that there was a training curriculum.

Zambia wanted to know from Uganda how project implementation at the tendering stage was being handled for road construction. Uganda explained the mandate of the IG and stated that corruption could only be reduced if one became involved at the design stage.

## Uganda: A Silent Anti-Corruption Weapon in Achieving the Sustainable Development Goals



### **Presentation by Justice Irene K Mulyagonja, Inspector General of Government, Uganda**

The presenter observed that corruption affected the attainment of the Sustainable Development Goals (SDGs) by weakening state institutions, causing insecurity, denial of basic services such as proper education and healthcare, and breakdown of a country's financial systems.

She further observed that a comprehensive and multidisciplinary approach to fighting corruption was key as it involved all members of society, such as communities and civil society organisations (CSOs), as well as government.

Among Uganda's preventative strategies, the presenter highlighted the use of technology to automate processes such as electronic procurement, integrated financial management systems, electronic cash payments, online declaration systems and online budget information systems, among others.

The presenter discussed the need to empower citizens to demand accountability, through education, and said that transparency in government systems was key in the fight against corruption.

The presenter concluded by underscoring the importance of institutional anti-corruption reforms, and partnerships and collaborations with inter-agency communities, CSOs and religious institutions. The presenter observed that preventive strategies were explicitly efficient; however, it was important to have a comprehensive approach which embraced enforcement methods of prosecution and asset recovery.

### **Plenary**

Zambia wanted to know under what mandate the state house Anti-Corruption Unit of Uganda was created, yet the Inspectorate of Government (IG) already existed. Uganda stated that there was no law establishing the unit, but HE the President of Uganda had the prerogative to form these units and the unit reported to the President.

Swaziland wanted to know from Uganda what the IG did to convince politicians to do away with consent from the director of public prosecutions (DPP) to prosecute its cases. Uganda responded by saying the position had long been settled by the authors of the 1995 Constitution of Uganda.

## Zambia: Country Report



### **Presentation by Rosemary Nkonde-Khuzwayo**

The presenter briefly spoke about the mandate of the Anti-Corruption Commission (ACC) of Zambia and thereafter highlighted its innovations, including the Corruption Vulnerability Assessment (CVA's) tool as a diagnostic means to identify weaknesses in an institution's operational system, saving resources. The presenter noted that the CVA identified gaps that made a system vulnerable to corruption taking place.

She pointed out that CVAs had been conducted in several institutions since 2011. Over time, the implementation of CVAs had been able to identify potential areas for incidents of corruption; workable solutions had been instituted to prevent the scourge and improve service delivery.

The presenter noted that the positive results of implementing CVAs included decentralisation and computerisation of various services to decongest service delivery points and abate opportunities for corruption; and introduction and implementation of electronic systems for handling complaints, among other positive results.

She cited some of the challenges in implementing CVAs, such as the slow pace of implementation of strategies due to absence of budget lines specifically for Integrity Committee activities; and late or in some cases non-submission of quarterly reports by institutions to ACC, thereby making it difficult to monitor progress on some CVA actions, among others.

Zambia noted that the country had used public education activities as a way of informing various target audiences and preventing corruption from taking place.

In conclusion, the presenter noted that public resources saved from potential acts of theft could be used in other avenues of national development, such as education, health and housing.

Zambia therefore recommended that there was need for institutional commitment by chief executives for recommendations derived from CVAs to be implemented and fully supported.

## Nigeria/ICPC: Role of the ICPC in the Fight Against Corruption in Nigeria



### **Presentation by Mr Bala Mohammed**

The presenter observed that the Independent Corrupt Practices and Other related Offences Commission (ICPC) was a multifunctional ACA with investigative/prosecutorial, preventive and education functions. The presenter further observed that the commission used a number of prevention mechanisms such as system studies; corruption risk assessment; the creation and deployment of anti-corruption units in Ministries, Department and Agencies (MDAs), administration of ethics and compliance scorecards on MDAs; and tracking the use of project funds in collaboration with CSOs and the media in the fight against corruption.

The presenter highlighted the fact that apart from helping to offer solutions to identified corruption-prone processes in MDAs, systems studies conducted on the personnel cost expenditure profile led to the recovery and return to the treasury of unspent balances.

The presenter explained that the Anti-corruption Academy of Nigeria was a specialised institution providing world-class enforcement and anti-corruption education primarily for ICPC staff and top-level professionals and administrators in the public and private sectors. It was presently developing a curriculum for Economic Community of West African States (ECOWAS) countries to further boost their capacity for corruption prevention.

The presenter noted that the Constituency Projects Tracking Group had led to improved delivery of social welfare services to citizens, value for money in appropriation of public funds, and increased performance of the enforcement mandate of ICPC, among other things. The presenter further noted that the ICPC had constituted an Illicit Financial Flows and Tax Fraud Group to track the illicit financial flows that were haemorrhaging from Nigeria's economy.

The challenges highlighted by the presenter included funding, capacity gaps and deficits in the number of investigators and prosecutors, gaps in the legal framework, delays in case turn around, the unfavourable judicial climate and public cynicism towards the fight against corruption.

In conclusion, the presenter called for an increase in the number of prevention initiatives, public education to diminish corruption in the long term, and increased use of non-conviction-based asset recovery mechanisms.

## Plenary

Tanzania requested Zambia to clarify on its enforcement mechanisms. The presenter for Zambia explained that they used investigations, prosecutions and asset forfeiture. Ghana wanted to know how Nigeria assessed the impact of non-conviction-based asset recovery.

The presenter for Nigeria stated that recovery of assets was an enforcement measure, denying the suspect a comfortable life. It was further noted that a legal framework existed in Nigeria to address non-conviction-based asset recovery, but that the judiciary had been affected by corruption – hence the unfavourable judicial climate.

Nigeria urged ACAs to profile judges and let them know they were being profiled. Nigeria pointed out that it was impossible have a system that produced corrupt people, but with none of them being judges.

Botswana wanted to know whether Zambia had legislation on the composition of integrity committees in the private sector. Zambia noted that there were only guidelines.

## ESAAMLG: Money Laundering as a Vehicle for Enhancing Corruption



### **Presentation by Dr Eliawony Joseph Kisanga**

The presenter, Dr Kisanga, from the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) explained the link between money laundering and corruption. The presenter pointed out that there were key international and regional efforts to combat money laundering and defined money laundering as a derivative/transnational offence.

The presenter noted that substantial criminal proceeds were generated from corruption offences in both the public and private sectors. He highlighted international efforts in fighting money laundering to include the United Nations Convention against Corruption (UNCAC) and the African Union (AU) Convention on Preventing and Combating Corruption (AUCPCC).

The presenter noted that the Financial Action Task Force (FATF) Recommendations were set standards to promote effective implementation of legal, regulatory and operational measures for combating money laundering and terrorist financing and other related threats to the integrity of the international financial system. He noted that the anti-money laundering/ countering the financing of terrorism (AML/CFT) standards set by the FATF Recommendations were important tools in the fight against corruption

He observed that the challenges in combating money laundering included developing political will at senior levels of government, and building capacity in developing countries for investigation and prosecution.

In his conclusion, he pointed out that efforts to combat money laundering and corruption were intrinsically linked and had the potential to be mutually reinforcing. Therefore robust AML/CFT regimes were an important pillar of the international regulatory and supervisory system.

## Plenary

Rwanda wanted to know how effective UNCAC and AUCPCC were in the repatriation of proceeds of crime. The presenter responded by stating that all the countries had laws on MLA and that the requirement of the FATF was that one must have a framework for MLA and countries must be able to provide assistance to each other.

Tanzania wanted to know how money transferred through MPESA (mobile money mechanism used in Tanzania) was monitored. The presenter observed that it was a challenge, but the FATF required states to undertake a risk assessment for any new service introduced.

He further confirmed that MPESA was a high risk for countries in the region. Swaziland wanted to know whether ESAAMLG had training forums for investigators on forfeiture. ESAAMLG stated that it had training and was going to work with GIZ on the same item.

Mozambique wanted an explanation of a scenario where there was evidence of money laundering, but no evidence of the predicate offence. ESAAMLG explained that a person could only launder the proceeds of crime and laundering could not be established unless assets were from criminal activity. He noted that areas such as bitcoin, gold and oil were not being regulated and were, therefore, target areas for laundering.

## ARIN-EA: The Role of Networks in Asset Recovery



### Presentation by Mrs Sarah K Birungi

The President of Asset Recovery Inter-Agency Network for Eastern Africa (ARIN-EA), Ms Sarah K Birungi, gave a brief background and stated that ARIN-EA had been established under the East African Association of Anti-Corruption Authorities, an association that brought together the Anti-Corruption Agencies in Eastern Africa in 2013.

She noted that it was of utmost importance to hit criminals where it hurt most by recovering illicitly acquired assets. She noted that the aim of ARIN-EA was to promote exchange of information

on individuals, companies and assets at the international level with the intention of facilitating the pursuit and recovery of proceeds of unlawful activities and to deprive criminals of their illicit profits.

She observed that through informal international networks of practitioners and experts, requests for transnational co-operation were channelled to relevant domestic agencies directly, leading to expeditious asset tracking and recovery.

Among ARIN-EA's achievements, the presenter highlighted that colossal sums of money had been recovered as a result of information exchanged through the network. The presenter noted that in Kenya in 2017, more than US\$15 million was recovered. Among the challenges, the presenter observed that there was no legal framework which provided for non-conviction-based asset recovery in some member countries, but efforts were underway to establish such legislation.

## Plenary

Botswana wanted to find out how often ARIN-EA engaged Interpol. The presenter stated that depending on what had been requested, such engagement took place on a regular basis.

Kenya observed that while ACAs focus on illicit financial transactions, they should also pay close attention to wealth laundering. Malawi wanted to know whether there were any attempts to set service-level agreements on timelines for assistance. The presenter stated that they did not have the capacity, but informal engagement was possible.

Nigeria observed that many countries did not have a legal framework on return of assets. Nigeria advised that there should be a register of recovered assets. He further advised that if investigators recovered a company, they needed to manage it as a going concern. There should also be proceeds of crime legislation that regulated the management of assets.

# DAY 3: 8 MAY 2019

## Winning the Fight Against Corruption for Sustainable Development: A Practitioners View and the Way Forward



### **Presentation by Mr Halakhe Waqo**

The presenter observed that sustainable development was development that met the needs of the present without compromising the ability of the future generations to meet their own needs.

He further observed that sustainable development envisaged exploiting the earth's resources for the advancement of the well-being of the present generation, but at the same time taking into account the needs of future generations to advance their well-being using the same resources.

He noted that sustainable development was premised on economic, environmental and social pillars, which were under threat with the prevalence of corruption. The presenter discussed the nexus between corruption and sustainable development and confirmed that corruption adversely affected its realisation.

He pointed out some of the undesired effects of corruption, which included weak institutions, insecurity, less prosperity, lack of basic services, the stifling of democracy, denial of human rights, unemployment and environmental degradation, among others.

The presenter deliberated on the duty of all nations to work towards the attainment of the Sustainable Development Goals, the implementation of UNCAC, international and inter-agency co-operation, continuous review of anti-corruption laws, and periodical peer-to-peer reviews of anti-corruption standards.

He pointed out that there was a problem with assets recovery from Europe, as stolen assets identified were not repatriated in full, but returned in the form of a dictated, supervised and monitored social development programmes. This was not fair.

In conclusion, he called on all stakeholders in the fight against corruption and to continue to collaborate with each other. He observed that there was no problem with many organisations fighting corruption in the same jurisdiction, and he gave an example of the United Kingdom that had several crime-fighting agencies working side by side.

## Plenary

Botswana observed that the presentation was mild on the question of corruption and wondered how corrupt people whose actions killed many people should be dealt with. The presenter responded by stating that ACAs needed to be careful not to get carried away by emotions, because this would lead them off track.

Uganda observed that corruption was fought within a particular political- or socio-economic context and wondered whether politicians wanted to fight corruption or were merely playing games. The presenter confirmed that corruption in Africa was fully developed by politics, but noted that calling for a revolution was not the solution. He pointed out that the masses were the main problem and appealed to ACAs to be more concerned by the root of the problem not the branches.

Cameroon wanted to know what could be done to tackle the problem of corruption in Africa. The presenter stated that identifying the problem was the beginning to solving the problem.

Ghana further expressed frustration with the fight against corruption and wondered how it would be possible to get leaders to appreciate how services should be delivered.

Malawi requested the Commonwealth Secretariat to take note of the sentiments coming out of the plenary, as it was the first time these sentiments were coming out. They further appealed for a way forward, noting that the environment in which ACAs worked was volatile.

Nigeria stated that ACAs should not become frustrated with the fight against corruption, but should be honest about the fact that there was no one fixed way to deal with it. He noted that politics in Africa was driven by corruption and ACAs needed to recognise this.

Dr Koranteng of the Commonwealth Secretariat proposed that the issue of anti-corruption should be made one of the side events of the Commonwealth Heads of Government Meeting (CHOGM) in 2020 in Rwanda. Members of the plenary agreed with his proposal.

## Kingdom of Eswatini: Eswatini Anti-Corruption Commission Report



### **Presented by Ms Winile Dlamini**

The presenter discussed the significance of the Eswatini National Perception Survey in 2017, which confirmed corruption to be a major concern in terms of the country's economic development, foreign direct investment and financial stability.

The presenter noted that among various national initiatives, the Eswatini Anti-Corruption Commission was in the process of reviewing its strategic plan, cabinet had formed a Cabinet Corruption Prevention Committee, the government had increased the commission's budget and there was a media campaign dubbed 'Future Leaders Against Corruption'.

The presenter observed that the commission had taken part in an International Trade Fair 2018, which lasted for a week and where more than 1000 members of the public had interacted with it on a one-on-one basis. They also received anti-corruption awareness messages.

According to the presenter, the main challenges faced in implementing programmes included inadequate financial and human resources, and the extended lifespan of cases in the court system.

In conclusion, Eswatini recommended inclusive participation of the public in anti-corruption programmes and urged ACAs to continue to strengthen and intensify collaborative efforts.

## Nigeria: Creatives in the Fight Against Corruption



### Presented by Mr Tony Amokedo

The presenter from ICPC/Nigeria commenced his presentation by observing that in the last year, the commission had almost doubled its conviction return – with a record 315 convictions in 2018 and more than 236.16 billion naira (N) worth of assets recovered. The presenter noted that despite the impressive figures, not much had changed in qualitative terms and corruption was still Nigeria's greatest development challenge.

The presenter further noted that among its innovations, ICPC had opened three new offices to improve accessibility. It held meetings with compliance officers to prevail on them not to allow their institutions to be used as platforms for money laundering by politicians, and checked voter inducement during the presidential, national assembly, governorship and state assembly elections.

The presenter noted that efforts culminated in cash seizures and arrests. The presenter explained that ICPC assisted the Federal Inland Revenue Service in recovering several billion naira in unremitted tax revenues. Additionally, international airports and other exit ports in the country had been placed under surveillance, leading to huge cash seizures.

The presenter noted that public cynicism was the greatest threat to ICPC, as some citizens found it difficult to appreciate the commission's commitment to the fight against corruption. The Ag. Chairman's farmhouse had also been attacked by gunmen and a security guard murdered.

The presenter highlighted the fact that as a result of its innovations, a benchmark had been set for a proactive approach in the fight against corruption. In conclusion, the presenter called for greater collaboration, greater interface with ACAs and urged ACAs to have a robust media unit. The presenter further cautioned that law enforcement was 'not a tea party' and collaboration with others was needed, along with stamina to pursue investigations to their logical conclusion.

## Seychelles: Country Report



### **Presentation by May de Silva**

The presenter for Seychelles began by explaining the mandate of the Anti-Corruption Commission of Seychelles, which was established in 2016.

The presenter explained, among other things, that the commission currently had a budget of approximately one million dollars and was charged with a mandate to investigate, detect and prevent corruption. She stated that they had not been able to evidence corruption, but they were handling 77 investigative cases.

The presenter observed that the commission had an EU-funded prevention and education programme, wherein there was a partnership with the non-governmental organisation (NGO) sector to have funds disbursed to a transparency initiative in Seychelles. The presenter further observed that there was a public sector programme that prioritised Ministries, Department and Agencies (MDAs) to establish anti-corruption officers.

The presenter noted that there were also media awareness campaigns to sensitise the public, using newspapers, TV and roadside advertisements, and further noted that it had established international partnerships with the Commonwealth Africa Anti-Corruption Centre (CAACC) Botswana, ILEA Botswana, the EU, ICAC, the International Anti-Corruption Coordination Centre (IACCC) UK, ESAAMLG and the UK.

In conclusion, the presenter called for ACAs to make good use of international partners and stated that it intended to amend its Anti-Corruption Act 2016, engage in capacity-building training, enter into Memoranda of Understanding with

Commonwealth Africa partners, and conduct more exchange visits. One of the challenges included interference from saboteurs. The presenter called on ACAs to continue asking political leaders to keep supporting the mandates of anti-corruption agencies.

## Rwanda: Public procurement



### Presentation by Mr Anastase Murekezi

The presenter began by explaining the mandate of the Office of the Ombudsman established by the Constitution of Rwanda in 2003. The presenter noted that the Government of Rwanda had undertaken a number of anti-corruption measures and there was immense political will, zero tolerance to corruption and public support.

He further noted that the government had established laws on protection of whistle-blowers, assets recovery, money laundering and terrorism financing.

Among the initiatives implemented, the presenter noted that e-procurement systems, which automated procurement processes, had been running since July 2016. He further noted that the system facilitates suppliers to register without their physical presence in Rwanda. He observed that since July 2016, this system had been implemented in eight government entities.

The presenter explained that as a result of the innovation, risks of corruption had been reduced in public procurement in Rwanda. This was because physical contact between suppliers and government officials was reduced, as was public procurement time and cost. The efficiency of public procurement with the standardisation of electronic documents also improved.

In conclusion, Rwanda noted that political will constituted a key pillar in adopting and implementing anti-corruption initiatives. It was of paramount importance to focus on prevention, education, collaboration and enforcement, as well as monitoring and evaluation, while fighting corruption.

## Plenary

Zambia wanted to find out from Rwanda what measures were in place to avoid actions by fraudsters. Rwanda responded that there was a monitoring system to detect fraud.

Malawi wanted Seychelles to clarify on its rolling programme to sensitise the public and the exchange programme. Seychelles stated that the prevention team had a training programme and they had trained agents. She further explained that a review of the systems, processes and procedures had been carried out and staff were sent

to Mauritius as a result of the review. She noted that Mauritius sent two investigators to assist in investigations and Seychelles catered for flights and accommodation for the visitors.

Ghana wondered whether the innovative system including e-procurement was a country or agency innovation. A delegate stated that the distinction was of no significance, as ACAs had to be open minded and welcome country innovations to enable others to work efficiently to combat corruption.

Dr Koranteng of the Commonwealth stated that the main reason for the conference was for countries to benchmark to one another. He further stated that delegates should not talk about innovations by government, but rather about agency innovations.

He also dismissed the procedures of delegates spending time explaining their mandates, instead of talking about their innovations. Nigeria observed that it was good for ACAs to explain their mandates because in his view, when a person learns about different laws in another jurisdiction, he or she can push for legal reform in their own country.

Dr Hosea from Tanzania called on delegates to read the conference reports so as to understand them and see what had already been said and done, so as to be innovative at the next meeting.

## Kenya: Innovative Initiatives in the Fight Against Corruption



### **Presentation by Mr Twalib Abdallah Mbarak**

The presenter spoke about the innovations achieved by the Ethics and Anti-Corruption Commission (EACC) of Kenya and noted that the EACC had engaged in public education and awareness creation, and had established the National Integrity Academy in 2017 to promote a culture of integrity in all sectors through training and research.

He further noted that they had embarked on a multi-agency team (MAT) approach to fighting corruption, wherein EACC was part of a seven-agency team drawn from law enforcement, tax and security agencies. It was formed to enhance co-operation, co-ordination and collaboration in the fight against corruption and organised crime, collecting data from other departments and co-ordinating with them. He observed that intelligence gathering, and undercover investigations, had been entrenched in their work as it helped the commission disrupt activities aimed at embezzling public resources.

He noted that some of the challenges included a lack of enforcement mechanisms for regulatory breaches and public apathy on governance issues. Additionally, the uptake of the school programme had been slow due to the extensive spread of institutions.

He noted that as a result of the innovations, public outreach initiatives had enabled the commission to carry the anti-corruption message through both face-to-face encounters and through the media.

He further noted that intelligence-led disruptions had averted the possible loss of approximately US\$100 million. The MAT initiative was a serious combined onslaught against the corrupt and had left them completely exposed and without resources to fight back.

He concluded by recommending that there was a need to develop mechanisms within Kenya to ensure compliance by heads of public institutions in case of failure to implement recommendations made by EACC.

## Lesotho: Innovative Project Implemented by the Directorate on Corruption and Economic Offences of the Kingdom of Lesotho



### Presentation by Mr Litelu Ramokhoro

The presenter noted that the fight against corruption in Lesotho was spearheaded by the Directorate on Corruption and Economic Offences (DCEO). He further explained the several initiatives by the DCEO, including the development of the National Anti-Corruption Strategy and Action Plan as a multisectoral approach to tackling corruption with active participation of the public service as a sector, the legislature, the judiciary, the private sector and civil society.

The presenter discussed the introduction of the Schools Anti-Corruption Programme, specifically targeting young people in the education system. He also explained the introduction of the Asset Forfeiture Unit, with special focus on non-conviction-based forfeiture, establishment of several community-based structures driving the anti-corruption agenda, and creation of strategic partnerships.

Among the challenges, he highlighted technical capacity limitations regarding procurement processes.

### Plenary

Uganda wanted to know the length of time it took to investigate a high-profile case in Kenya. Kenya observed that the biggest challenge was when monies moved outside the jurisdiction of the commission. He further observed that some cases took longer than others. He cited the Anglo-leasing case, which was 16 years old, and compared it with a case concerning the loss of 4.8 billion Kenyan shillings (Ksh) which took one month to conclude.

## African Union Convention on Preventing and Combating Corruption: a Continental Approach to Fighting Corruption



### Presentation by Mr Miarom Begoto

The presenter explained the mandate of the African Union Convention on Preventing and Combating Corruption as the African continental normative framework adopted to accelerate the fight against corruption in Africa by providing guiding principles and strategies to state parties.

He noted that the objective of the organisation was to 'coordinate and harmonise the policies and legislation between States Parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent'.

He called for the continental approach in the fight against corruption by such initiatives as convening the annual anti-corruption dialogue with all national anti-corruption authorities; conducting evaluation missions to assess the experience, including challenges and good practices; supporting peer-to-peer learning; and conducting regional learning and capacity-building programmes for national ACAs and other key stakeholders.

He called for all African Union member states to empower national anti-corruption agencies, financial intelligence units, audit firms and relevant bodies by strengthening their independence and adequately financing and capacitating them to be able to perform their duties in a problem-free manner.

In conclusion, he also appealed to member states to strengthen South-South co-operation through voluntary information exchange, mutual legal assistance and continuous sharing of best practices.

### Plenary

Mauritius wanted to find out if its application to become a state party of AUCPCC had been approved. The AUCPCC representative stated that he couldn't provide an answer at the time.

Cameroon wanted to find out what reasons had been given for Cameroon not being able to sign the AUCPCC treaty. The AUCPCC representative stated that the Cameroonian parliament had already adopted the process, although there had been an earlier miscommunication.

Uganda wanted to know whether there had been any effort to bring issues on corruption to the Heads of States of the African Union. The AUCPCC representative

stated that there had been efforts, but there was an ongoing communication challenge between AUCPCC and diplomatic representatives in Addis Ababa.

## Malawi: Success Stories and Initiatives in the Fight Against Corruption



### Presented by Mr Reyneck Matemba

The presenter explained the mandate of the Anti-Corruption Bureau (ACB) and stated that among its initiatives, there had been partnerships between the agency and the Malawi Electoral Commission, for example, joint mass awareness and sensitisation rallies, and debates for candidates on dangers and consequences of corruption and electoral fraud.

The presenter noted that there was need to invest in information, education and communication materials, as they were important in mass awareness and also attracted more people. It was further noted that partnerships and joint activities reduced costs for the partners involved.

The presenter highlighted the fact that Malawi did not have a stand-alone law on assets recovery; however, some recoveries had been made. Weak domestic laws were cited as a problem in the area of assets recovery. The presenter explained the concept of the Controlling Officers Forum, which was aimed at increasing awareness, sharing experiences and strengthening operations.

Among its recommendations, Malawi called for anti-corruption messages to run with all the civic education activities in the run up to elections, not just during the campaign period. Malawi further recommended collaboration and peer-to-peer learning within member states be encouraged.

The presenter concluded by observing that corruption was dynamic and ACAs needed to be adaptive.

## Sierra Leone: Recent Innovations/Approach to Fighting Corruption



### Presentation by Francis Ben Kaifala

The presenter began by explaining the mandate, mission and vision of the Anti-Corruption Commission of Sierra Leone (ACC). He noted that to achieve its

mandate, the commission had embarked on a mission to strengthen the capacity of staff, galvanise public sector support, enforce assets declaration compliance and monitor its implementation plan. It also aimed to conduct investigations and prosecution of all incidences of corruption.

The presenter noted that the approach used to achieve its objectives had been a radical transparency drive built on the pillars of prevention, investigation, prosecution and public education. It included arrests and detention where there was an established probable cause of corruption.

In his view, the country had suffered for long enough under entrenched corruption and therefore required a radical move to change its circumstances for the better. Key among Sierra Leone's innovations was the setup of a special anti-corruption division of the High Court, within the judicial structure, to deal with corruption cases and avoid backlog.

The presenter further noted that the ACC had been able to recover domestically more than \$1,500,000 of funds lost through corruption, which were returned to the People of Sierra Leone for the provision of social services.

He also noted that the ACC was voted the best public sector institution of the year at the National Development Awards 2018. The presenter noted that it had also received multiple national, regional and international awards.

In conclusion, the presenter noted that the ACC had embarked on a new direction to restore the faith and confidence of the citizenry in the government and the ACC. He further noted that the achievements of the ACC had been unprecedented given the high corruption levels the country had experienced in the past.

## Plenary

Cameroon wanted to know how the special anti-corruption courts in Sierra Leone were managed. Sierra Leone responded by stating that a specialised division was necessary, since the goal of fighting corruption was priority. He further noted that corruption cases were handled by special judges appointed to this court, since prior to this setup, issues such as backlog had affected the completion of corruption cases.

Uganda wanted to know the criteria for the awards ACC had received and also whether the law in Sierra Leone allowed for bail pending appeal. Sierra Leone responded by stating that the statistics showing the achievements of the ACC were available for public viewing, but he did not know how the statistics were evaluated for purposes of awards. He confirmed that bail pending appeal existed; of all the corruption cases under his docket, only one case was on appeal.

Rwanda wanted to know how ACC managed to seize assets. Sierra Leone responded by stating that the ACC had powers of arrest and seizure without court orders. He pointed out that if they needed to seize a house, they only needed to cordon it off as a crime scene.

Ghana observed that the ACC seemed to enjoy political support at the highest level, but wondered what would happen if the current president wasn't in office. Ghana also wondered whether the ACC enjoyed the same political patronage with parliament and whether the commissioner of ACC was 'part and parcel' of the ruling government. The presenter responded by stating that the president had asked him to help him sort out the image of the country and this was what he was doing. He confirmed that the ACC had the support of the judiciary and the police and the public was happy.

On the issue of detention powers without trial for ten days, the presenter noted that the law existed before he became commissioner. However, he pointed out that under the system, the presumption of innocence was when a person was standing trial in court and not before. He pointed out that this radical system was as a result of the need to reduce corruption, which had become pervasive.

Kenya commended Sierra Leone for the good job they were doing and urged them to continue.

## Ghana: Innovative Project in the Fight Against Corruption



### Presentation by Mr Joseph Whittal

The presenter opened his presentation by explaining the mandate of Ghana's Commission on Human Rights and Administrative Justice (CHRAJ) and highlighted key innovations, including the National Anti-Corruption Reporting Dashboard, among others.

He pointed out that parliament had adopted the National Anti-Corruption Action Plan (NACAP) in 2014, and CHRAJ was responsible for co-ordinating implementation of the plan, together with the National Development Planning Commission; monitoring and evaluating progress of implementation of activities by implementing partners; and issuing periodical reports, among other things.

He further noted that the National Anti-Corruption Reporting Dashboard had been set up to reduce on the laborious processes of manually compiling, storing and issuing reports of the commission. The innovation introduced an IT-based solution to assist the commission in documenting activities in implementing NACAP. It could be accessed on the CHRAJ website and any implementing partner who wanted to register could notify the commission through the register option on the dashboard.

He explained that another key achievement was the Supreme Court decision in *Brown Vs AG*, where the court held that ACAs' administration expenses should not pass through the Ministry of Finance; rather they should go to the parliament's special budget committee.

Among the challenges, the presenter pointed out the difficulty in getting all implementing partners to embrace technology and innovation, the high cost of developing the software and the high cost of nation-wide training of users.

In his conclusion, he called for more collaborative efforts of ACAs and partners.

## Republic of Tanzania: Country Paper



### **Presentation by Gen. John Julius Mbungu**

The presenter began by briefly explaining the mandate of Tanzania's Prevention and Combating of Corruption Bureau (PCCB) and noted that it had continued to collaborate with stakeholders in putting in place strategies, including legislative and administrative measures, to manage corruption in government systems and in the country as a whole.

Among its key achievements and innovations, the presenter highlighted the collaborative efforts with various stakeholders to combat corruption, the National Anti-Corruption Strategy, and a special division of the High Court to deal with high-profile cases, community education and prevention, and community education programmes, among others.

He noted that the bureau had embarked on seminars, talks, press releases, TV programmes, exhibitions and anti-corruption clubs, while the Ministry Of Education had included corruption knowledge in the school curriculum. He observed that PCCB had launched an anti-corruption integrity film BAHASHA, which had received wide acclaim. The presenter highlighted budget constraints as major challenge.

Among the key results of the innovations, the presenter noted that a call centre had increased information gathering and a number of issues had been solved within a short period of time. He further noted that the use of a forensic laboratory had helped to speed the process of getting evidence from culprits' phones, computers and other devices.

In conclusion, the presenter pointed out that Tanzania's political leadership was committed to fight corruption at the highest levels. He observed that fighting corruption in a sustained manner required a consistent demonstration of genuine commitment on the part of the top political elite towards the eradication of the menace. The presenter appealed to African leaders to show demonstrable willingness to fight corruption and make it intolerable within both the public and private sectors.

## Plenary

Kenya wanted to find out from Ghana who monitored the work of CHRAJ. Ghana responded by stating that the people watched over the commission through a process of petition and removal.

Botswana wanted to know from Tanzania how long the film on integrity was. Tanzania stated that the movie was 90 minutes long in Swahili, but there were subtitles and it could be accessed through YouTube.

# DAY 4: 9 MAY 2019

## Civil Asset Recovery a Deterrent to Corruption



### **Presentation by Ms Rosamund Prince**

The presenter defined 'civil asset recovery' and explained why it was a useful tool in the fight against corruption, acting as it did as a deterrent measure. The presenter highlighted the traditional challenges and solutions, the role of banks in combating money laundering and the available remedies to civil recovery practitioners.

She highlighted the challenges with extradition and noted that the advantage of civil asset recovery was that investigators did not have to rely on extradition.

The presenter called for ACAs to push for recoveries to go to the agencies to support resources. The presenter further noted that civil recovery was faster, and it could block the launderers' lifestyle and repatriate money.

The presenter also highlighted the need for proceeds of crime receiverships. It was much easier to fund a receiver, because they would pay their fees from the assets, they had civil powers and they had technical expertise in managing recovered assets.



### **Presentation by Paolo Ghirardani**

The presenter acknowledged the sense of frustration among ACAs when money went abroad and it became hard to trace. He noted that fraud and corruption were

not always clear, but there were various litigation strategies and techniques that could help ACAs recover stolen property.

The presenter explained the relevance of a number of legal techniques including the Pharmacal order to banks to disclose where the money had moved, gagging orders, bankers trust orders, worldwide freezing orders and Chabra freezing orders.

He noted that the orders were extremely powerful and prevented defendants from disposing of an asset to avoid a judgement.

## Plenary

Mr Waqo from Kenya observed that tracing and recovery was one the most discussed subjects in anti-corruption fora globally. However, he noted that there was a problem over whether Europe was willing and honest in the process of acting on repatriation of stolen assets. He questioned the goodwill of Western countries and asked the presenters for an assessment.

The UK presenter agreed with the assessment but noted that the real problem was that the authorities in England were under-resourced. The presenter noted that delays in processing MLAs were not intentional, but that they were not a priority for the ordinary civil servant in the UK. The UK highlighted that the current focus for the country was terrorism and that it was going through budget cuts.

Uganda thanked the presenters for the presentation and expressed admiration for the systems that worked. Uganda called on ACAs to aspire to establish systems that worked. Uganda thereafter requested the presenter to clarify on the know your customer (KYC) concept of beneficial ownership of accounts. The presenter noted that when one gets a new customer, it was important to know who the new customer was.

He noted that ultimately people launder money through companies owned by close contacts. He observed that if an investigator follows the money trail, they were likely to find the beneficial owners. However, he pointed out that it was better to freeze the money first, then argue about ownership later.

Seychelles wanted more information about the process to follow in civil recovery. The presenter noted that restraint proceedings were as important as the assets, in the sense that the assets would still be there at the end of the criminal litigation process.

Nigeria was concerned that when they approached the UK authorities, there was a feeling that the authorities did not trust them. So when they were returning the money, issues of sovereignty arose. Nigeria also noted that it took years before any stolen funds were returned. He called on the ACAs to 'speak in one voice' to insist that the money should be returned to Africa.

The presenter noted that it was unacceptable for one nation to impose a condition on another state, but was not sure the situation was going to change in the near future.

Justice Duncan Gaswaga of Uganda called for all repatriated money to be sent to the consolidated fund of governments. From here, an ACA could apply for the money as a safe method compared to getting it directly and then dealing with complaints from victims.

## Presentation: Creating an Ecosystem for Mitigating Corruption in the Public Sector



### By Dr Roger Koranteng

The presenter gave a history of the fight against corruption and noted that attitudes towards corruption varied from country to country. He observed that corruption remained prevalent and wondered why the more NGOs there were, the more corruption increased.

He explained the ecosystem for corruption mitigation and highlighted steps to mitigate corruption, including identifying potential areas at risk of corruption, and prioritising these risks of potential damage and financial loss to government.

He further noted that ACAs should recommend possible strategies to mitigate the potential risks, convert the strategies into an action plan, integrate the action plan into a departmental performance management plan, and incentivise departmental staff to contribute to the process of identifying risks.

He concluded by stating that his ecosystem was reinforced by the saying that 'prevention was better than cure'.

### Plenary

Sierra Leone wondered whether the presenter had addressed the issue of the cost of prevention, which in his view was high. Sierra Leone also wondered whether prevention was applicable to a country with deeply entrenched corruption and whether it should be considered after enforcement measures.

Ghana opined that prevention was part of a binary choice, but wondered whether prevention and enforcement should be working at the same time. Ghana observed that the procedure depended on the circumstances of each country.

Dr Hosea referred to Africa as a cancer patient that needed serious surgery, not medicine. He gave an example of Hong Kong, which was using prevention because it had started out by using enforcement measures successfully. He observed that enforcement sends a clear message.

Nigeria supported the view that fighting corruption was about law enforcement.

Uganda noted that each ACA had a mandate and wondered whether someone who had three distinct mandates should apply one over the other two. Uganda observed that what ACAs did in their institutions depended on the mandates and all ACAs should stick to their given mandates.

Dr Koranteng noted that neither prevention nor enforcement was better than the other, but urged ACAs to apply them side by side.

# Annex 1: Programme

## COMMONWEALTH SECRETARIAT AND THE REPUBLIC OF UGANDA

### 9<sup>th</sup> Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa

Lake Victoria Serena Golf Resort & Spa, Kigo, Kampala, Uganda 5–11 May 2019

*'Time to Act: Prevent Corruption for Sustainable Development'*

SUNDAY, 5 May 2019

| TIME     | TOPIC                                                          | RESOURCE PERSON(S) |
|----------|----------------------------------------------------------------|--------------------|
| All Day  | Arrivals                                                       | IG Protocol Team   |
|          | Check in – Hotel, Lake Victoria Serena Golf Resort & Spa, Kigo |                    |
| 7pm–11pm | Dinner                                                         | Participants       |

MONDAY, 6 May 2019

| TIME                                                                                              | TOPIC                                            | RESOURCE PERSON(S)                                                                                                         |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Director of Ceremonies: Conference co-ordinator: Dr Roger Koranteng, Commonwealth Secretariat, UK |                                                  |                                                                                                                            |
| 08:00 – 09:00                                                                                     | Registration of Heads of ACAs and Invited Guests | IG Secretariat                                                                                                             |
| 09:00 – 10:30                                                                                     | Arrival of Guest of Honour                       | His Excellency, President of Uganda                                                                                        |
|                                                                                                   | Anthems: Uganda<br>EAC                           | Uganda Prison Band                                                                                                         |
|                                                                                                   | Prayer                                           |                                                                                                                            |
|                                                                                                   | Welcoming Remarks                                | Irene Mulyagonja Kakooza –<br>Inspector General of Government                                                              |
|                                                                                                   | Conference overview                              | Dr Roger Koranteng<br>Interim Adviser and Head, Public Sector Governance                                                   |
|                                                                                                   | Brief Remarks                                    | Mr Ibrahim Magu, Ag. Executive Chairman, EFCC and Chairman, Association of Anti-Corruption Agencies in Commonwealth Africa |
|                                                                                                   | Interlude                                        |                                                                                                                            |
|                                                                                                   | Brief Remarks by Guest of Honour                 | Mr Thabo Mbeki, Former President of South Africa                                                                           |
|                                                                                                   | Brief Remarks by Guest of Honour                 | Mr Benjamin Mkapa, Former President of United Republic of Tanzania                                                         |
|                                                                                                   | Remarks by the Special Guest                     | Rt Hon. Patricia Scotland<br>Commonwealth Secretary-General                                                                |

| TIME                 | TOPIC                                                                                                                                                            | RESOURCE PERSON(S)                                                            |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
|                      | <b>Book Launch: <i>Tackling Corruption in Commonwealth Africa: The Case Studies of Botswana, Mauritius, Seychelles, Lesotho and Rwanda</i></b>                   | <b>Rt Hon. Patricia Scotland<br/>Commonwealth Secretary-General</b>           |
|                      | <b>Interlude</b>                                                                                                                                                 |                                                                               |
|                      | <b>Introduction of HE, the President of the Republic of Uganda</b>                                                                                               | <b>Hon. Rev. Fr Simon Lokodo Minister of State for Ethics and Integrity</b>   |
|                      | <b>Keynote Address and Official Opening</b>                                                                                                                      | <b>His Excellency President of the Republic of Uganda</b>                     |
|                      | <b>Vote of Thanks</b>                                                                                                                                            |                                                                               |
|                      | <b>AU, EAC and National Anthems</b>                                                                                                                              | <b>Uganda Prison Band</b>                                                     |
|                      | <b>Official Photograph</b>                                                                                                                                       |                                                                               |
| <b>10:30 – 11:00</b> | <b>Refreshments</b>                                                                                                                                              |                                                                               |
| <b>11:00 – 12:00</b> | <b>'Time to Act: Prevent Corruption for Sustainable Development'</b><br><br>HE Mr Benjamin Mkapa, Former President of United Republic of Tanzania                | <b>Chair<br/>Rt Hon. Patricia Scotland<br/>Commonwealth Secretary-General</b> |
|                      | <b>Questions &amp; Discussion</b>                                                                                                                                |                                                                               |
| <b>12:00 – 13:00</b> | <b>Presentations by Countries (max 20mins)</b><br><br>• Botswana<br>• Cameroon                                                                                   | <b>Chair<br/>Malawi</b>                                                       |
|                      | <b>Questions &amp; Discussions</b>                                                                                                                               |                                                                               |
| <b>13:00 – 14:00</b> | LUNCH                                                                                                                                                            |                                                                               |
| <b>14:00 – 15:30</b> | <b>Presentations by Countries (20mins each)</b><br><br>• Ghana (CHRAJ)<br>• Ghana (EOCO)<br>• Nigeria (ICPC)                                                     | <b>Chair<br/>Botswana</b>                                                     |
|                      | <b>Questions &amp; Discussions</b>                                                                                                                               |                                                                               |
| <b>15:30 – 16:00</b> | TEA BREAK                                                                                                                                                        |                                                                               |
| <b>16:00 – 17:00</b> | <b>Winning the Fight Against Corruption for Sustainable Development: Practitioner's View and the Way Forward</b><br><br>Mr Halakhe Waqo<br>Former CEO EACC-Kenya | <b>Chair<br/>Ghana (CHRAJ)</b>                                                |
|                      | <b>Questions &amp; Discussions</b>                                                                                                                               |                                                                               |
| <b>7:00 pm</b>       | <b>Official Welcome Dinner</b>                                                                                                                                   |                                                                               |

TUESDAY 7 May 2019

| TIME          | TOPIC                                                                                                                                                                                                                        | RESOURCE PERSON(S)                     |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 08:00 – 09:00 | <p><b>Combatting Illicit Financial Flows for Sustainable Development in Commonwealth Countries</b></p> <p>HE Mr Thabo Mbeki Guest Speaker<br/>Former President of South Africa</p> <p><b>Questions &amp; Discussions</b></p> | <p>Chair<br/>Tanzania</p>              |
| 09:00 – 10:00 | <p><b>Combatting IFF in Africa: Experience and Lessons Learnt</b></p> <p>GIZ iff</p> <p><b>Questions &amp; Discussions:</b></p>                                                                                              | <p>Chair<br/>Cameroon</p>              |
| 10:00 – 10:30 | Tea – Coffee BREAK                                                                                                                                                                                                           |                                        |
| 10:30 – 12:00 | <p><b>Presentations by Countries (20mins each)</b></p> <ul style="list-style-type: none"> <li>• Mauritius</li> <li>• Uganda</li> <li>• Mozambique</li> </ul> <p><b>Questions &amp; Discussions</b></p>                       | <p>Chair<br/>Rwanda</p>                |
| 12:00 – 13:00 | <p><b>Prevention a Silent Anti-Corruption Weapon in Achieving the Sustainable Development Goals (SDGs)</b></p> <p>Justice Irene Mulyagonja<br/>Inspector of Government, Uganda</p> <p><b>Questions &amp; Discussions</b></p> | <p>Chair<br/>Seychelles</p>            |
| 13:00 – 14:00 | Lunch Break                                                                                                                                                                                                                  |                                        |
| 14:00 – 15:00 | <p><b>Presentations by Countries (20mins each)</b></p> <ul style="list-style-type: none"> <li>• Zambia</li> <li>• Namibia</li> </ul> <p><b>Questions &amp; Discussions</b></p>                                               | <p>Chair<br/>eSwatini</p>              |
| 15:00 – 16:00 | <p><b>Money Laundering as a Vehicle for Corruption in Africa:</b></p> <p><b>ESAAMLAG</b></p> <p><b>Questions &amp; Discussions</b></p>                                                                                       | <p>Chair<br/>Uganda</p>                |
| 16:00 – 16:30 | TEA BREAK                                                                                                                                                                                                                    |                                        |
| 16:30 – 17:30 | <p><b>Inter-agency Networks in Asset Recovery – case of ARIN-EA</b></p> <p><b>Questions &amp; Discussions</b></p>                                                                                                            | <p>Chair<br/>Sierra Leone</p>          |
| 18:00         | <p><b>CAACC Advisory Board Meeting</b></p> <p><b>Botswana, Kenya, Ghana, Mauritius, Swaziland, African Development Bank, Commonwealth Secretariat</b></p>                                                                    | <p>Dr Roger Koranteng<br/>Convener</p> |

WEDNESDAY, 8 May 2019

| TIME          | TOPIC                                                                                                                 | RESOURCE PERSON(S)                                |
|---------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 09:00 – 10:00 | <b>Case for Continental Approach in the Fight Against Corruption: the case of AUABC</b><br><b>Chairperson – AUABC</b> | <b>Chair</b><br><b>Ghana (Special Prosecutor)</b> |
|               | <b>Questions &amp; Discussions</b>                                                                                    |                                                   |
| 10:00 – 11:00 | <b>Presentations by Countries (20mins each)</b><br>• South Africa<br>• ESwatini                                       | <b>Chair</b><br><b>Lesotho</b>                    |
|               | <b>Questions &amp; Discussions</b>                                                                                    |                                                   |
| 11:00 – 11:15 | TEA BREAK                                                                                                             |                                                   |
| 11:15 – 12:15 | <b>Presentations by Countries (20mins each)</b><br>• Seychelles<br>• Rwanda                                           | <b>Chair</b><br><b>Nigeria (ICPC)</b>             |
|               | <b>Questions &amp; Discussions</b>                                                                                    |                                                   |
| 12:15 – 13:15 | <b>Presentations by Countries (20mins each)</b><br>• Kenya<br>• Lesotho                                               | <b>Chair</b><br><b>Ghana (EOCO)</b>               |
|               | <b>Questions &amp; Discussions</b>                                                                                    |                                                   |
| 13:15 – 14:15 | Lunch                                                                                                                 |                                                   |
| 14:15 – 15:15 | <b>Bottleneck in the Fight Against Corruption in Africa Commonwealth Countries</b><br>Dr Edward Hosea                 | <b>Chair</b><br><b>Mauritius</b>                  |
|               | <b>Questions &amp; Discussions</b>                                                                                    |                                                   |
| 15:15 – 15:30 | TEA BREAK                                                                                                             |                                                   |
| 15:30 – 16:30 | <b>Presentations by Countries (20mins each)</b><br>• Tanzania<br>• Nigeria (EFCC)                                     | <b>Chair</b><br><b>Nigeria (EFCC)</b>             |
|               | <b>Questions &amp; Discussions</b>                                                                                    |                                                   |
| 16:30 – 17:30 | <b>Presentations by Countries (20mins each)</b><br>• Malawi<br>• Sierra Leone                                         | <b>Chair</b><br><b>Mozambique</b>                 |
|               | <b>Questions &amp; Discussions</b>                                                                                    |                                                   |

THURSDAY, 9 May 2019

| TIME                          | TOPIC                                                                                                                                                                                                                                             | RESOURCE PERSON(S)                              |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 08:00 – 09:00                 | <b>Tackling Corruption in Commonwealth Africa:</b><br><b>Case Studies of Botswana, Mauritius, Seychelles, Lesotho and Rwanda</b><br><b>Research Findings</b><br>Dr Roger Koranteng<br>Commonwealth Secretariat                                    | <b>Chair</b><br><b>Kenya</b>                    |
|                               | <b>Questions &amp; Discussions</b>                                                                                                                                                                                                                |                                                 |
| 09:00 – 10:00                 | <b>Creating an Ecosystem for Mitigating Corruption in the Public Service</b><br>Prof. Prajapati Trivedi<br>Senior Director, Commonwealth Secretariat                                                                                              | <b>Chair</b><br><b>South Africa</b>             |
|                               | <b>Questions &amp; Discussions</b>                                                                                                                                                                                                                |                                                 |
| 10:00 – 11:00                 | Topic (TBC)<br>Ros Prince – Partner Stephenson Harwood<br><b>International Influence in Africa's Affairs and the Role of the International Banks Acting on Behalf of the Government</b><br>Courtenay Griffiths QC – chairman – security in Africa | <b>Chair</b><br><b>Zambia</b>                   |
|                               | <b>Questions &amp; Discussions</b>                                                                                                                                                                                                                |                                                 |
| 11:00 – 11:15                 | TEA BREAK                                                                                                                                                                                                                                         |                                                 |
| 11:15 – 12:00                 | <b>Group work</b> <ul style="list-style-type: none"> <li>• Group 1</li> <li>• Group 2</li> <li>• Group 3</li> </ul>                                                                                                                               | <b>Facilitator</b><br><b>Dr Roger Koranteng</b> |
| 12:00 – 13:00                 | <b>Plenary</b><br><b>(Action plans for follow-ups)</b>                                                                                                                                                                                            |                                                 |
|                               | <b>Questions &amp; Discussions</b>                                                                                                                                                                                                                |                                                 |
| 13:00 – 14:00                 | LUNCH                                                                                                                                                                                                                                             |                                                 |
| <b>SIGHT-SEEING/EXCURSION</b> |                                                                                                                                                                                                                                                   |                                                 |
|                               | <b>Drafting of the Communiqué</b>                                                                                                                                                                                                                 |                                                 |
| 7:00 pm                       | <b>Official Closing Dinner</b>                                                                                                                                                                                                                    |                                                 |

FRIDAY, 10 May 2019

| TIME                 | TOPIC                                                                                                                                                                         | RESOURCE PERSON(S)                                                                       |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>09:00 – 11:00</b> | <b>Annual General Meeting of the Heads of ACAs or Representatives only</b><br><b>Discussion of Communique</b><br><br>Agenda will be provided in consultation with AAACA Chair | <b>AAACA Chairperson</b><br><b>Dr Roger Koranteng</b><br><b>Commonwealth Secretariat</b> |
| <b>11:00 – 11:30</b> | TEA BREAK                                                                                                                                                                     |                                                                                          |
| <b>11:30 – 13:00</b> | <b>Meeting of the Heads of ACAs continues</b>                                                                                                                                 | <b>AAACA Chairperson</b><br><b>Dr Roger Koranteng</b><br><b>Commonwealth Secretariat</b> |
| <b>13:00 – 14:00</b> | LUNCH                                                                                                                                                                         |                                                                                          |
| <b>14:00 – 15:00</b> | <b>Closing</b><br><b>Reading of the Communiqué</b><br><br>Remarks by out-going chairperson<br><br>Closing remarks by New chairperson                                          | <b>AAACA Chairperson</b><br><b>Dr Roger Koranteng</b><br><b>In-coming Chairperson</b>    |
| <b>15:00 – 15:30</b> | TEA BREAK                                                                                                                                                                     |                                                                                          |

## Annex 2: List of Participants

| Organisation | Name/Position                                                                                             |
|--------------|-----------------------------------------------------------------------------------------------------------|
| Botswana     | Brig. Joseph M Mathambo<br>Director General                                                               |
| Botswana     | Mr Malebo John Thupeng<br>DCEC officer                                                                    |
| Botswana     | Ms Ellah Ntebaleng<br>DCEC officer                                                                        |
| Botswana     | Mr Baganetswe Foreman                                                                                     |
| Botswana     | Mr Keiametswe B. Moleofhi<br>Ag. Deputy Project                                                           |
| Botswana     | Mr Mogolodi Rantsetse<br>CAACC                                                                            |
| Botswana     | Ms Lerato Dube<br>CAACC                                                                                   |
| Cameroon     | Rev. Dr Dieudonne' Massi Gam<br>Chairman CONAC                                                            |
| Cameroon     | Mr Onana Nkudu Gilbert<br>CONAC                                                                           |
| Cameroon     | Ms Irene Morikang Tche<br>Head Prevention and Communication                                               |
| Ghana CHRAJ  | Mr Joseph Whittal<br>Commissioner<br>Commission on Humana Rights and Administrative Justice               |
| Ghana CHRAJ  | Mr Charles Ayamdoo<br>Director, Anti-Corruption<br>Commission on Humana Rights and Administrative Justice |
| Eswatini     | Mr Daniel B Dlamini<br>Commissioner                                                                       |
| Eswatini     | Ms Winile Dlamini<br>Administrative Officer                                                               |
| Kenya        | Dr Dabar Abdi Maalim<br>Commissioner EACC                                                                 |
| Kenya        | Mr Twalib Mbarak<br>Chief Executive Officer                                                               |

| Organisation | Name/Position                                                               |
|--------------|-----------------------------------------------------------------------------|
| Kenya        | Mr Benson Marimba<br>Deputy Director                                        |
| Kenya        | Ms Emily Ibeere<br>Senior Ethics Officer                                    |
| Kenya        | Mr Stephen Karuga<br>Legal Officer                                          |
| Kenya        | Mr Benjamin Maina<br>GIZ                                                    |
| Lesotho      | Mr Lechesa Lehloenya<br>Chief Intelligence Officer<br>DCEO                  |
| Lesotho      | Mr Litelu Ramokhoro<br>Director, Public Education and Corruption Prevention |
| Nigeria      | Mr Mustafa Magu<br>Ag. Chairman EFCC                                        |
| Nigeria      | Prof. Owasanoye Bolaji Olufunmileyi<br>Chairman ICPC                        |
| Nigeria      | Mr Mohammed Bala<br>SA- Chairman<br>ICPC                                    |
| Nigeria      | Mr Tony Amokedo<br>EFCC                                                     |
| Nigeria      | Mr Damilola Sholadami<br>EFCC                                               |
| Malawi       | Mr Reyneck Matemba<br>Director General<br>ACB                               |
| Malawi       | Egrita Ndala<br>Senior Public Relations Officer<br>ACB                      |
| Malawi       | Mr Andrew Ussi<br>Senior Public Education Officer<br>ACB                    |
| Malawi       | Mr Patrick Mogha<br>Senior Corruption Prevention Officer<br>ACB             |
| Mauritius    | Ms Shakilla Jhungeer<br>ICAC                                                |

| Organisation | Name/Position                                                                                      |
|--------------|----------------------------------------------------------------------------------------------------|
| Mauritius    | Ms Nandita Sueecher<br>ICAC                                                                        |
| Mozambique   | Ms Tassia Martins<br>ACB                                                                           |
| Mozambique   | Mr Sinai Julias<br>ACB                                                                             |
| Mozambique   | Mr Anastacro Edwardo<br>ACB                                                                        |
| Rwanda       | Mr Anastase Murekezi<br>Chief Ombudsman<br>Office of the Ombudsman                                 |
| Rwanda       | Ms Nyirakanyana Christine<br>Systems Review Officer                                                |
| Seychelles   | Justice Duncan Gaswaga<br>Anti- Corruption Commission                                              |
| Seychelles   | Ms May De Silva<br>CEO<br>ACCS                                                                     |
| Sierra Leone | Mr Francis Ben Kaifaila                                                                            |
| Sierra Leone | Mr Emmanuel Koivaya Amara                                                                          |
| Tanzania     | Gen John Julius Mbungu<br>Deputy Director General<br>Prevention and Combating of Corruption Bureau |
| Uganda       | Justice Irene Mulyagonja Kakooza<br>Inspector General of Government                                |
| Uganda       | Mr George Bamugemereire<br>Deputy Inspector General of Government<br>Inspectorate of Government    |
| Uganda       | Ms F. Mariam Wangadya<br>Deputy Inspector General of Government<br>Inspectorate of Government      |
| Uganda       | Ms Sarah Birungi<br>Director Legal Affairs<br>Inspectorate of Government                           |
| Uganda       | Lt. Col. Edith Nakalema<br>Anti-Corruption Unit<br>State House                                     |

| Organisation             | Name/Position                                                                           |
|--------------------------|-----------------------------------------------------------------------------------------|
| Commonwealth Secretariat | Rt. Hon. Patricia Scotland QC<br>Secretary General                                      |
| Commonwealth Secretariat | Dr Roger Koranteng<br>Head & Adviser, Anti-corruption<br>Commonwealth Secretariat (GNR) |
| London                   | Ms Rosamund Maureen Prince<br>Partner Stephenson Harwood                                |
| London                   | Mr Paolo Ghirardani<br>Partner Stephenson Harwood                                       |
| London                   | Ben Onguntala<br>LL.B Hons. LL.M Banking & Finance Laws<br>African-in-Chief             |
| AU ABC Secretariat       | Mr Miarom Begoto<br>Chairperson<br>AU Advisory Board on Corruption                      |
| Tanzania                 | Dr Edward Gamaya Hosea<br>Advocate of the High Court                                    |
| Kenya                    | Halakhe Waqo<br>Former Head EACC                                                        |
| ESAAMLG                  | Dr Eliawony J. Kisanga<br>Executive Secretary ESAAMLG                                   |

# Annex 3: Communique

## **NINTH REGIONAL CONFERENCE OF HEADS OF ANTI-CORRUPTION AGENCIES IN COMMONWEALTH AFRICA, LAKE VICTORIA SERENA GOLF RESORT & SPA, KIGO, KAMPALA, UGANDA**

**6–10 May 2019**

### **THEME: TIME TO ACT: PREVENT CORRUPTION FOR SUSTAINABLE DEVELOPMENT COMMUNIQUE**

**WE**, the Heads and Representatives of Anti-Corruption Agencies in Commonwealth Africa, meeting at the Ninth Regional Conference of Heads of Anti-Corruption Agencies in Commonwealth Africa ('the Conference') hosted by the Inspectorate of Government (IG), Uganda, sponsored by the Commonwealth Secretariat at Lake Victoria Serena Golf Resort & Spa, Kigo, Kampala from the 6<sup>th</sup> to 10<sup>th</sup> May 2019,

**NOTING** with gratitude the invaluable support and warm hospitality provided by the Government of the Republic of Uganda, the IG and the people of Uganda, the honour of the presence of His Excellency General Yoweri Kaguta Museveni, President of the Republic of Uganda, who opened the Conference,

**INSPIRED** by the presence, participation and commitment of the Secretary-General of the Commonwealth Secretariat, Rt Hon. Patricia Scotland QC, at the Conference,

**CONCERNED ABOUT** the heavy losses that Africa suffers as a result of illegal transfers of proceeds of corruption and crime out of Africa,

**RECOGNISING** the need to strengthen co-operation and collaboration among the Anti-Corruption Agencies in Commonwealth Africa for purposes of facilitating asset recovery and return,

**ACKNOWLEDGING** the benefits of a platform for discussing emerging issues and sharing good practices and country innovations in the fight against corruption,

**HAVING** made presentations on the theme of the Conference, discussed innovative measures employed by Anti-Corruption Agencies and explored other aspects of the programme of the Conference,

**SATISFIED** that a full exchange of views and innovative experiences among Anti-Corruption Agencies and other participants has taken place at the Conference,

1. **CALL** upon the Commonwealth Secretary General and the Government of Rwanda to include Anti-Corruption as a side event of the Commonwealth Heads of Government Meeting (CHOGM) to be held in Rwanda in 2020;
2. **FURTHER CALL** upon Commonwealth Heads of Government Meeting (CHOGM) to include the issue of Anti-Corruption as part of the communique for its meeting to be held in Rwanda in 2020;
3. **APPEAL** to the Heads of Government in Commonwealth Africa to consider ways of providing adequate resources to Anti-Corruption Agencies;
4. **ENCOURAGE** Commonwealth African countries to pursue the enactment of legislation on civil asset forfeiture;

5. **FURTHER ENCOURAGE** Anti-Corruption Agencies to pursue both preventive and enforcement measures in the fight against corruption within the unique context of each country;
6. **CALL** upon Anti-Corruption Agencies in Commonwealth Africa to strengthen co-operation and partnership with local, regional and international Civil Society and media;
7. **WELCOME** the initiatives of the Commonwealth Secretariat to establish Commonwealth benchmarks package on Anti-Corruption and integrity standards;
8. **ADVISE** Anti-Corruption Agencies to acquire Polygraph technology as part of their investigative and integrity testing process;
9. **ENCOURAGE** Anti-Corruption Agencies to convey to their respective governments the importance of having Integrity Officers within government ministries, departments and agencies;
10. **FURTHER ENCOURAGE** Anti-Corruption Agencies to consider the Multi-Agency Team approach in the implementation of Anti-Corruption strategies;
11. **URGE** the Commonwealth Secretariat through the Commonwealth Africa Anti-Corruption Centre in Botswana to develop a training calendar based on the training needs of the Anti-Corruption Agencies;
12. **CALL** upon the Commonwealth Africa Anti-Corruption Agencies to adopt a strategy of engagement with their political elite based on their country context;
13. **FURTHER CALL** upon Heads of Government and Commonwealth Africa Anti-Corruption Agencies to engage and empower the citizens to demand transparency, accountability and effective service delivery;
14. **REQUEST** Heads of Government in Europe, America and other jurisdictions to work towards speedy and unfettered repatriation of recovered assets to African countries;
15. **EXPRESS** appreciation to the President of the Republic of Uganda and the Inspectorate of Government for the hospitality extended to the delegates during their stay in Uganda;
16. **FURTHER EXPRESS** profound appreciation to the Commonwealth Secretariat for the continued efforts in supporting the Association of Anti-Corruption Agencies in Commonwealth Africa and co-sponsoring and co-organizing the ninth conference in succession;
17. **AGREE** that the next Regional Conference of Heads of Anti-Corruption Agencies in Commonwealth Africa in 2020 will be hosted by Rwanda in partnership with the Commonwealth Secretariat;
18. **ELECT** Uganda (Inspector General of Government) as the Chair and Rwanda (Chief Ombudsman) as the Vice-Chair of the Association of Anti-Corruption Agencies in Commonwealth Africa.

**THIS COMMUNIQUE ISSUED AT KAMPALA, UGANDA, ON THE 10<sup>TH</sup> DAY OF MAY 2019**

# Annex 4: Country Papers



## **Botswana Country Paper 2019: Innovative projects done in the fight against Corruption**

**9<sup>th</sup> Commonwealth Regional Conference & Review Meeting  
for Heads of Anti-Corruption Agencies in Africa  
Lake Victoria Serena Golf Resort and Spa, Kampala, Uganda  
6<sup>th</sup> - 10<sup>th</sup> May 2019**



### **Presentation Outline**

- Introduction
- Interventions implemented
- Challenges and resolutions
- Conclusion



## Introduction

- ❑ Semi-arid country in Southern Africa
- ❑ Population around 2.3 million
- ❑ Diamond trade, tourism, financial services and agriculture
- ❑ Democratic Elections every 5 years - National polls in October 2019
- ❑ DCEC maintains three pronged attack strategy
- ❑ Law enforcement collaboration
- ❑ H.E. Dr. M.E.K. Masisi commitment to strengthen oversight institutions - Sustainable Development Goals
- ❑ Initiatives implemented across sectors
- ❑ Fight against corruption retains number two ( 2) of H.E.'s commitment for the country



## Interventions implemented

- ❑ **Anti-Money Laundering**
  - ✓ ESAAMLG membership
  - ✓ Proceeds & Instruments of Crime Act (PICA) of 2014
  - ✓ Corruption & Economic Crime Act (CECA) clauses/sections on sharing of information
  - ✓ Twenty (20) cases completed and sent to DPP for prosecution
  - ✓ Monies/property recovered - just April 2019 - P10million
  - ✓ Suspicious Transaction Reports (STRs) by Financial Intelligence Agency (FIA)
  - ✓ Anti-Money Laundering/Counter Financing of Terrorism strategy, supervisory manuals and enhanced financial intelligence analysis
- ❑ **Declaration of Assets and Liabilities**
  - ✓ Draft Bill on Declaration of Assets and Liabilities to enhance transparency and promote integrity to be presented in Parliament in July 2019
  - ✓ Public officers and politicians to declare assets and liabilities in earnest
  - ✓ Law to enhance lifestyle audits
- ❑ **Whistleblowing Legislation**
  - ✓ Whistleblowing Act of 2016
  - ✓ Stakeholders such as the private sector, civil society, academia and legal practitioners critiqued the Act and its implications for wider comprehension and implementation
  - ✓ Drafting of regulations ongoing by key institutions



## **Interventions contd.**

### **□ Monitoring and Evaluation (M&E) Framework**

- ✓ M&E framework being developed
- ✓ M&E Unit of DCEC currently under expansion to coordinate implementation of M&E across sectors & implementation of the National Monitoring & Evaluation Strategy (NMES)
- ✓ Job descriptions drafted and training for earmarked officers undertaken

### **□ Corporate Integrity System (CIS)**

- ✓ Feasibility study on CIS conducted on Parastatals and State Owned Enterprises
- ✓ Increased interest on anti fraud & corruption frameworks, anti-corruption policies, whistleblowing policies & reporting mechanisms and corruption risk assessment tools
- ✓ CIS benchmarking to be conducted

### **□ Prosecution guided Investigations**

The strategy entails real time guidance by DCEC Legal Services Division to investigators as follows;

- ✓ Pre-investigation Legal Conferencing (Pre-con)
- ✓ On-going Legal Support
- ✓ Post-investigation Legal Conferencing (Post-con)

### **□ Enterprise Risk Management for Botswana Government**

- ✓ Risk Management Policy (RMP) and Risk Management Framework (RMF) developed by Ministry of Finance and Economic Development (MFED)
- ✓ DCEC involvement from early stages
- ✓ Implementation of RMP & RMF being piloted
- ✓ DCEC has been facilitating implementation of corruption risk management framework through corruption prevention committees and ACUs in ministries
- ▶ Participation of **Continental Body business at the Highest Level (by H.E.) - African Union Ethiopia Meeting of January 2018**
- ▶ Country participation of the **Commemoration of the Africa Year Against Corruption - 2018**, nationally and continentally
- ▶ Review of the State on the United Nations Convention Against Corruption - Chapters II - (Preventing Corruption) & V (Asset Recovery)



## Challenges & Resolutions

- ❑ Inadequate involvement of Parastatals, State Owned Enterprises, Civil society and Private Sector
- ✓ CIS and Anti-Bribery Management System Standard
- ✓ Review of the Private Sector Code of Conduct
- ✓ CS - MOU Agreement and joint awareness programmes
- ❑ ACU structures not standardized across ministries
- ✓ Engagement of DPSM and Accounting Officers
- ❑ Ineffective Monitoring & Evaluation (M&E) framework
- ✓ Strengthening of M&E framework



## Conclusion

- ❑ Fight against corruption – prominent status on H.E's roadmap
- ❑ DCEC encourages innovation of anti-corruption strategies and initiatives
- ❑ CIS and Anti-Bribery Management System to enhance anti-corruption in Parastatals, State Owned Enterprises and private sector
- ❑ Investment in capacity building of personnel is critical
- ❑ Efforts to engage civil society should be intensified
- ❑ Drafting and implementation of Whistleblowing regulations should be expedited

**Thank you for your attentive listening!**



# **INNOVATIVE PROJECTS IN THE FIGHT AGAINST CORRUPTION IN CAMEROON**

**A presentation by Rev. Dr. Dieudonné MASSI GAMS  
Chairman of the National Anti-Corruption  
Commission of Cameroon (CONAC)**

**9th Commonwealth Regional Conference and Review meeting of  
Heads of Anti-Corruption Agencies in Africa  
Lake Victoria Serena Golf and Spa.  
Kampala, Uganda  
06 - 10 May, 2019.**

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## OUTLINE

- **1. Introduction**
    - Cameroon in brief
    - National Anti-Corruption Commission
  - **2. Innovative work**
    - Hotline
    - Anti-corruption boards
    - Election monitoring
    - Faith-based solution to fight corruption
    - Cameroon's first Corruption Perception index
- Bonus: Financial fall outs
- **3. Exchange visit: EFCC Nigeria comes calling**

2

## 1. INTRODUCTION AND BACKGROUND

### A. CAMEROON IN BRIEF



- Country in Central Africa
- 22 million inhabitants
- “Africa in Miniature” due to geographical and cultural diversity
- Long coastline, forest reserves, beautiful mountains, wide plains, dry and sandy desert, vast grassfield, wide savannah...
- Bilingual (French and English are the official languages)
- Member of the Commonwealth and La Francophonie
- 250 other national languages and as many tribes
- Yaounde is the political capital
- Douala is the economic capital
- Ten Regions (two English-speaking)
- H.E. Paul Biya is the Head of State

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## B. THE NATIONAL ANTI CORRUPTION COMMISSION OF CAMEROON IN BRIEF

THE NATIONAL ANTI-CORRUPTION COMMISSION, GENERALLY KNOWN BY ITS FRENCH ACRONYM **CONAC (COMMISSION NATIONALE ANTI-CORRUPTION)**, IS AN INDEPENDENT PUBLIC BODY CREATED BY A PRESIDENTIAL DECREE OF 11 MARCH, 2006 AND PLACED UNDER THE AUTHORITY OF THE PRESIDENT OF THE REPUBLIC.

**MISSION:** CONTRIBUTE TO THE FIGHT AGAINST CORRUPTION

### The Coordination Committee

- ✓ **Headed by a Chairperson**
- ✓ **Vice Chairperson and nine other members**
  - Establish direct contacts with Members of Government and heads of public and semi-public services
  - Authorise and lead missions of Commissioners
  - Ensure discipline, efficiency and effectiveness of Commission members and staff
  - Prepare and implement annual programme of activities of the Commission.

### The Permanent Secretariat

- ✓ **Headed by a Permanent Secretary**
- ✓ **Main administrative assistant of the Chairperson**

### Three Divisions

- Investigations Division
- Prevention and Communication Division
- Studies and Cooperation Division

### Three services

- Mail and Records Service
- General Affairs Service
- Translation Service (French / English)

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## THE NATIONAL ANTI CORRUPTION COMMISSION OF CAMEROON IN BRIEF...CONT.

**The activities of the Commission reflect the missions of the three operational Divisions**

### ➤ **Investigations and Audits, including rapid interventions**

- hundreds conducted each year.
- State prevented from losing money;
- Money unduly earned (tax fraud, fake workers, etc) reimbursed...
- Amount gained by the State estimated at over **1 602 billion 069 million 114 thousand 037 F CFA**.

### ➤ **Prevention**

- Sectoral campaigns (coffee, cocoa, cotton, forest, back to school)
- Competitive entrance examination without corruption
- Anticorruption caravans (youths, women, transporters, religious leaders, civil servants)
- Rapid Results Initiative; **Hotline: 1517**
- National Programme on Integrity Education

### ➤ **Communication**

- Radio and TV programmes
- Newsletter
- Press releases, press conferences, billboards, flyers

### ➤ **Studies**

- Change systems to reduce corruption opportunities
- Identify corruption prone sectors
- Identify resistance in the fight against corruption

### ➤ **Cooperation**

- Both national and international
- Created the National Anti-Corruption Coalition
- Partnerships: BCAC/GICAM/ARMP/ANIF, etc
- Members of several international anti-corruption networks (AAACA, IAACA, Commonwealth...)
- Partnership with ACA France, Egypt, ICPC Nigeria

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## 2. INNOVATIVE WORK AND INITIATIVES IMPLEMENTED



- The past one year full of innovations. Several outreach programmes organised to tie with recommendation of the African Union which declared 2018 Africa Anti-Corruption Year. (Limit ourselves to five: Hotline, Anti-corruption notice boards, election monitoring, inter-religious gathering, Cameroon's 1st corruption perception index).

### A. ACQUISITION OF A CALL FREE NUMBER: 1517

- Operational since 24/04/2018 (free from all networks in Cameroon)
- 7:00am to 6:00pm
- Seek to mobilise popular support in the fight against corruption, curb impunity and push fear in to the camp of the corrupt
- Launched during a big media event (press release, spots, billboards, banners)

#### Challenges

- Receiving and sorting out calls (100 per day)
- About half thirds of calls not concerning corruption (marital issues, land disputes, chieftaincy problems, theft, etc)

#### Results

- Commission more accessible
- Several issues resolved on phone

#### Lessons learnt

- A full time job
- More investigators to ensure rapid follow up of cases of corruption denounced

#### Recommendations

- Important for all anti-corruption commissions (pushes fear into the camp of the corrupt. Mental battle.)

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## B. ANTI-CORRUPTION NOTICES



- Placed on the facades of administrative buildings
- Eight of ten regions covered in 2018
- Big media events presided by Regional Governors

**Objective:** Mobilise popular support in the fight against corruption.

- Make the hotline of the Commission accessible
- Encourage denunciation

#### Challenges

- Had to purchase material (generators, drilling machines, glue guns, etc)

#### Results

The Commission accessible from all over the country

More denunciations of acts of corruption

#### Lessons

Be inclusive. Let the heads of the different sectors be those to put up the notices.

#### Recommendations

- Need to be well equipped to embark on operation

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## C. ELECTION MONITORING



### Target

- > Members of political parties and voters

### Objective

- > Ensure free and fair Presidential Elections of October 07, 2018

### Format

- > Special unit created at CONAC
- > Teams sent on the field
- > Team at the headquarters to receive denunciations through toll free number

### Challenges

- > Covering all the Regions and polling stations

### Outcome/Results

- > Dissuasive presence
- > Less cases of « buying of voters »

### Recommendations

- > Education of political leaders needed prior to elections
- > Education of the population on the fact that electoral fraud is dangerous.
- > Corrupt leaders can hardly fight against corruption.

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## D. FAITH BASED APPROACH TO FIGHT CORRUPTION



- o Contact with church leaders nation-wide by Chair
- o Inter-religious service as main activity to celebrate International Anti-Corruption Day

**Objective:** Mobilise Christians and Muslims to live the faith which they profess  
-commit religious leaders

### Challenges

Choice of denominations to take on board

### Results

Over 2 000 christians and muslims present  
Big media event

Reached out to over 10 million persons through the live broadcast on the national TV  
10:00am to 12:00 noon on 09/12/2018.

Meditation and prayers compiled into a booklet.  
Distributed

DVD produced and distributed

### Lessons

Be inclusive. Suggest prayer and meditation points for each church leader.

### Recommendations

Religious leaders are a great force in the fight against corruption. Ask them to reach out to their faithful

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## E. CAMEROON'S FIRST CORRUPTION PERCEPTION INDEX



- Survey conducted in 2015/2016 on users of 43 public services.
- Published in 2018
- More than just a perception, closer to reality

**Objective:** Evaluate the implementation of Cameroon's National Anti-Corruption Strategy

Get public opinion about the public service  
Propose the way forward

### Challenges

Rejection of results by those considered as being the most corrupt (public contracts, finance, justice, security, transport)

CONAC on the list...not 100% clean

### Results

Ministers of some of the most corrupt sectors dropped from government a week after results were released

Internal audit underway at CONAC

Integrity test of staff of CONAC reinforced

### Lessons

Important to have the opinion of the public

Integrity is a permanent quest, even for fighters

### Recommendation

Surveys indispensable to evaluate work done and chart way forward

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## BONUS: FINANCIAL FALL OUTS



- Without being an institution in charge of recovery, Cameroon's National Anti-Corruption Commission has, through its investigations, exposed fraud and corruption that have led to the "recovery" of billions of FCFA.

○ **2013: 50 billion 513 million 844 thousand 242 FCFA**

○ **2014: 21 billion 364 million 963 thousand 899 FCFA**

○ **2015: 175 billion 095 million 910 thousand 633 FCFA**

○ **2016: 1 302 billion 902 million 936 thousand 136 FCFA**

○ **2017: 52 billion 191 million 459 thousand 127 FCFA**

○ **Total: 1 602 billion 069 million 114 thousand 037 F CFA**

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### 3. EXCHANGE VISIT - EFCC NIGERIA COMES CALLING ON 16/01/2019



#### 1. Economics and Financial Crimes Commission (EFCC)

One-day study trip on January 16, 2019  
Delegation of three persons

**Objective:** seek means of reinforcing collaboration between the EFCC and CONAC in the fight against corruption and the embezzlement of public funds  
Ways of fighting transborder and cyber crimes

**Format:** Working sessions  
Visit of services

**Outcome/Results**  
➤ Reinforced ties

**Recommendation**  
One day not long enough

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## CONCLUSION

**Call free number**  
**1517**



- **New impetus in the fight against corruption in Cameroon thanks to innovations:**
  - the visibility of the Commission has increased;
  - many people are denouncing corruption;
  - many civil servants are afraid to be involved in acts of corruption for fear of being denounced;
  - Religious leaders more committed.
- **Bench-marking visit of Nigeria**
  - Need for more of such visits.

*THANK YOU FOR YOUR  
KIND ATTENTION*

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# **INNOVATIVE PROJECT IN THE FIGHT AGAINST CORRUPTION BY THE CHRAJ OF GHANA**



PRESENTATION AT THE 9<sup>TH</sup> COMMONWEALTH HEADS OF ANTI-CORRUPTION AGENCIES HELD AT LAKE VICTORIA SERENA RESORT – KAMPALA , UGANDA, 6<sup>TH</sup> -10<sup>TH</sup> MAY 2019



## OUTLINE OF PRESENTATION



- Short outline of the hybrid Constitutional Democracy of Ghana under the 4<sup>th</sup> Republic
- The Independent Constitutional Bodies (ICBs) in the governance Framework of the country.
- CHRAJ as a three-in-one Institution
- The National Anti-corruption Reporting Dashboard (NaCoRD) as an Innovative project in implementation of NACAP
- The Discrimination Reporting System (DRS)
- Supreme Court Judgment: Brown v AG

### **Hybrid Constitutional Democracy under the 4<sup>th</sup> Republic**

- Ghana adopted a hybrid Constitution under its 4<sup>th</sup> Republic in 1992 where the separation of powers doctrine between the three Arms of Government has been blurred or made fluid
- More than half of Ministers are to be appointed by the President from among Members of Parliament
- Parliamentary oversight is therefore weakened as MPs are trying to catch the eye of the President to be appointed Ministers
- The President has enormous Executive Powers
- This overbearing Executive power has been to some extent counter-balanced by the establishment of Independent Constitutional Bodies such as the CHRAJ; Electoral Commission (EC); National Commission on Civic Education (NCCE)
- "whose operations are not subject to the direction or control of any person or authority" but only to the Constitution
- Discuss BROWN V AG SC

### **CHRAJ as a hybrid three-in-one Institution**

- CHRAJ is the National Human Rights Institution; the Public Services Ombudsman and an Anti-corruption Agency under the Constitution
- Its Functions includes;
- Investigations of allegations and suspicions of corruption by public officials with or without a complaint. Public Officer includes the President down to the Messenger
- The Ethics Office responsible for investigating contraventions or non-compliance with the Constitutional Code of Conduct with regards to Assets Declarations; Conflicts of interests and contravening Oaths solemnly sworn by all public officers
- Investigates violations of fundamental human rights by public Institutions and officials in their discharge of official functions

- Investigates abuse of office/power by public officials
- Investigates abuse of human rights by private persons, Institutions and enterprises
- Investigates complaints against acts and decisions by all public institutions and public officials

### **Innovative Projects: the National Anti-corruption Reporting Dashboard (NaCoRD)**

- The Parliament adopted the National Anti-corruption Action Plan (NACAP) in 2014 as a bi-partisan Strategy to fight corruption in Ghana from 2015–2024
- The CHRAJ is responsible for coordinating implementation of the Plan and in addition to the National Development Planning Commission to monitor and evaluate progress of implementation of activities by Implementing Partners
- Issue periodic monitoring Reports; engage the public and publish annual progress reports
- The CHRAJ and NDPC and other stakeholders produce annual work plans (AWPs) to guide implementation
- Implementing Partners (IPs) are put in clusters
- Since implementation began, the Commission has had to manually compile and issue reports out of 120 activities with about 150 indicators from an average of 85 institutions
- This has been too exhausting and laborious
- The innovation lies in introducing an IT-based solution to assist the Commission in documenting activities in implementing NACAP nation-wide

### **NaCoRD: FEATURES**

- With this Dashboard, the annual workplans together with the monitoring framework tool can now be accessed by all IPs on the CHRAJ web-site under NACAP Resources at [www.chraj.gov.gh](http://www.chraj.gov.gh) or the NaCoRD [www.nacap.chraj.gov.gh](http://www.nacap.chraj.gov.gh)
- About 533 IPs have already been pre-registered and assigned unique usernames and passwords
- Any IP not registered can notify CHRAJ through the Register Option on the NaCoRD and that IP can be approved by CHRAJ and assigned a unique username and password
- The NaCoRD interface has the IP and the CHRAJ portals
- The functionalities of the NaCoRD are flexible to allow reset of IP Username, email and focal person
- Preview of any information by the IP or focal person
- To show any reports at the final stage or draft stage and those IPs who have not yet submitted reports
- The NaCoRD has a number of advantages among which are the following:

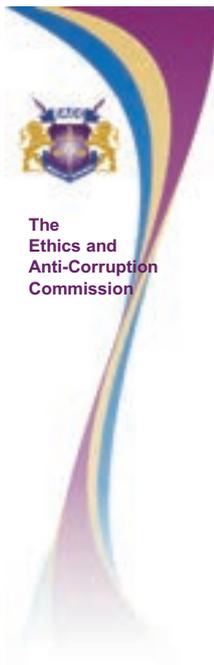
- It compels all the IPs to submit their Reports on time. IPs that are not able to submit on time cannot access it for purposes of reporting.
- Data/information entered by an IP cannot be altered or changed by the Commission
- It is easy to view the structured activities submitted by the IPs as well as ascertain the number of IPs that have submitted
- It is easy to sort out draft or final reports by IPs
- Reports submitted by IPs are generated automatically after submission
- It allows CHRAJ to lock/unlock an IPs access to the NaCoRD as well as reopen previous cycles. This feature/functionality is extremely useful as it makes it possible for the Commission to generate historic reports in the years to come.
- It is easy to view the structured activities submitted by the IPs as well as ascertain the number of IPs that have submitted
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- Reports submitted by IPs are generated automatically after submission
- It allows CHRAJ to lock/unlock an IP's access to the NaCoRD as well as reopen previous cycles. This feature/functionality is extremely useful as it makes it possible for the Commission to generate historic reports in the years to come.
- It also makes the CHRAJ have access to the entirety of the data stored on the NaCoRD
- All the IPs were trained on how to use the Dashboard to submit their 2018 activity reports.
- They were also given the time within which to report and when the NaCoRD will close
- The key result is that the 2018 Annual Progress Report on implementation of NACAP was produced within one week, edited by the Commission and submitted to the High Level Implementation Committee (HiLiC)

### **REFLECTIONS/LESSONS LEARNT**

- Technology and innovation are meant to aid performance. The ease of compiling the 2018 Annual Progress Report (APR) is attributable to the innovation introduced
- Time spent on compiling the nation-wide Anti-corruption APR in documenting preventive, enforcement and educational activities by all including Government, Civil Society, Media, faith-based organisations shrunk from three months to one week !

### **CHALLENGES**

- Difficulties in getting all IPs to embrace technology and innovation
- Cost of developing the software
- Cost of nation-wide training of users

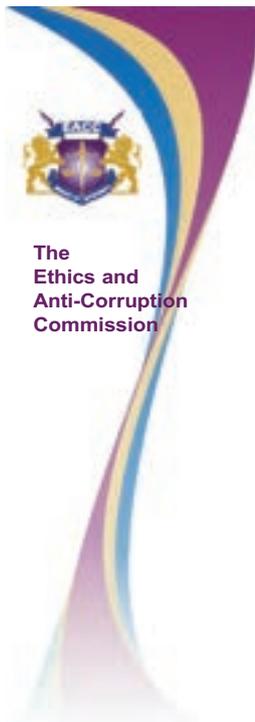


## **INNOVATIVE INITIATIVES IMPLEMENTED IN THE FIGHT AGAINST CORRUPTION (SUCCESS STORIES)**

**Presented at the 9<sup>th</sup> Commonwealth Regional  
Conference For Heads Of Anti-Corruption Agencies In  
Africa**

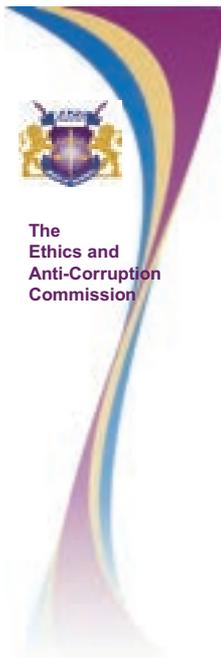
**Kampala, Uganda  
6<sup>th</sup> – 10<sup>th</sup> May, 2019**

**Ethics and Anti-Corruption Commission,  
Kenya**



## **OUTLINE**

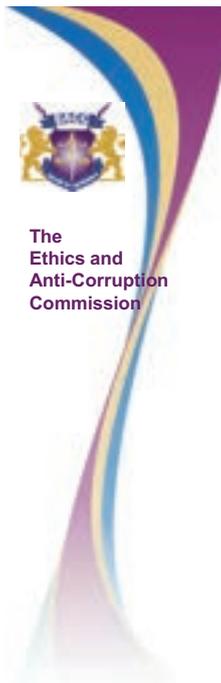
- Introduction
- Innovative initiatives implemented
- Main Challenges
- Results of the Innovation
- Opportunities
- Recommendations
- Country Visits



## INTRODUCTION

EACC is the principal agency in Kenya vested with powers and functions to, *inter alia*:

- Prevent corruption;
- Educate the public;
- Investigate corruption, economic crimes and ethical breaches;
- Trace and recover illegally/corruptly acquired assets.



## INNOVATIVE INITIATIVES

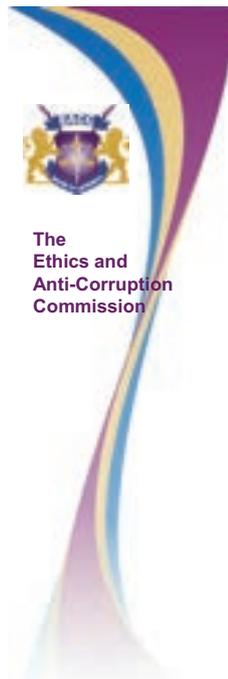
### 1. Public Education and Awareness Creation

- Faith-based Sector Awareness Education and Collaboration
- Formation of 'Adili' (Integrity Clubs)
- Targeted awareness in 'hotspots'
- Vernacular Media Programmes

### 2. Establishment of the National Integrity Academy (NIAca)

### 3. Multi-agency Team (MAT) Initiative

### 4. Intelligence Gathering & Undercover Investigations



## 1. Public Education and Awareness Creation

### i. Faith-based Sector Awareness Education and Collaboration

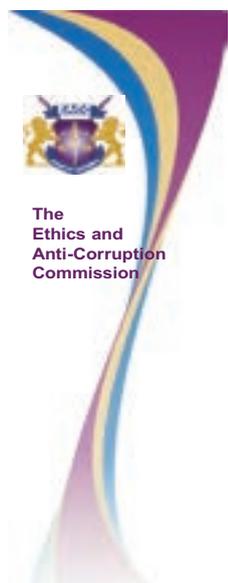
EACC has developed anti-corruption education materials for the Faith-based sector. These materials are designed to promote behaviour change by enhancing an ethical culture.

### ii. Formation of 'Adili' (Integrity Clubs)

EACC implements school outreach programmes aimed at re-engineering social values among learners. Motive is to 'Catch them young'.

These programmes involve visits to schools, integrity talks and establishment of Integrity Clubs (Adili) and integrity Movements in higher learning institutions

'Adili' which is a Swahili word means ethics.



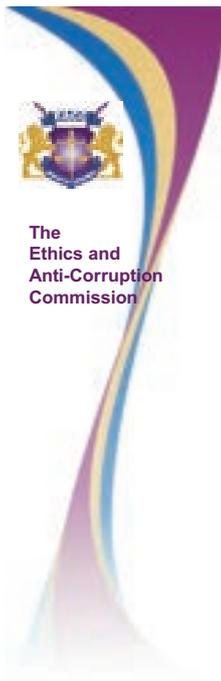
### iii. Targeted awareness in 'hotspots'

EACC is undertaking targeted awareness in corruption hotspots which include service provision areas such as land registries, hospitals, transport termini, county markets and also with groups vulnerable to bribery such as 'matatu' and 'boda boda' operators.

### iv. Vernacular Media Programmes

EACC has in the recent past extensively embarked on media programmes to educate the public on leadership, ethics, integrity, good governance and anti-corruption measures through local vernacular FM radio stations where messaging is localised.

Motive is to mobilize citizens against corruption & unethical practices. If citizens become intolerant to all forms of corruption, then the war can be won.



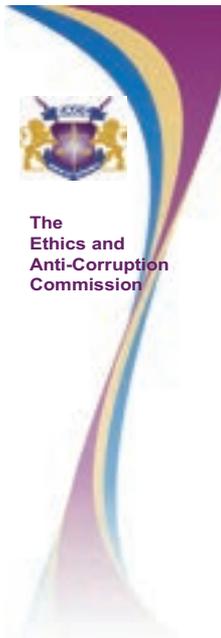
## **2. Establishment of the National Integrity Academy (NIAca)**

The Commission established NIAca in 2017 to promote a culture of integrity in all sectors through training and research. The functions of the academy include:

- i. Undertake capacity development;
- ii. Undertake research on emerging trends;
- iii. Develop and review anti-corruption curriculum;
- iv. Establish and maintain a Resource Centre on ethics, integrity, leadership and anti-corruption.

## **3. Multi-agency Team (MAT) Initiative**

EACC is part of a seven (7) agency team drawn from law enforcement, tax and security agencies formed to enhance cooperation, coordination and collaboration in the fight against corruption and organised crimes.

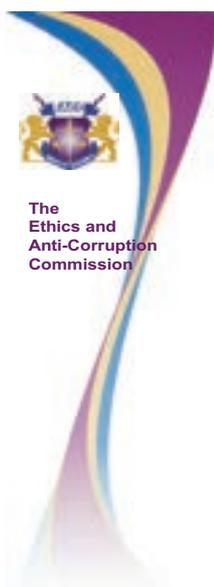


Each agency applying its mandate confronts each case from all angles including: tax, money laundering, asset recovery, economic crime, criminal aberrations among others.

## **4. Intelligence Gathering & Undercover investigations**

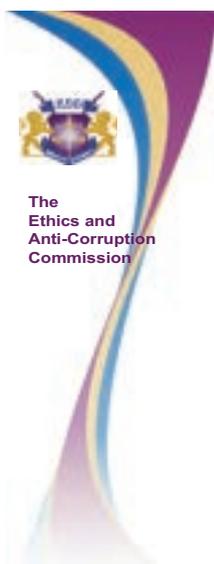
This strategy helps the Commission disrupt activities aimed at embezzling public resources.

The Commission conducts undercover investigations majorly at service points in various Government Institutions to gauge the existence of corruption and unethical practices.



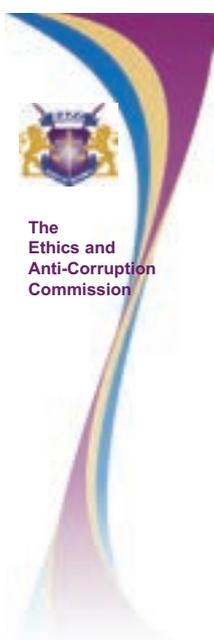
## MAIN CHALLENGES

1. Lack of enforcement mechanisms for regulatory breaches and implementation of prevention advisories;
2. Public apathy on governance issues;
3. The uptake of the school programme has been slow due to the expansive spread of institutions;
4. Ethics and anti-corruption issues are competing against mainstream curriculum where the focus is on syllabi and learning outcomes.



## RESULTS OF THE INNOVATION

1. Public outreach initiatives have enabled the Commission carry the anti-corruption message through both face-to-face encounters and through the media;
2. Intelligence led disruptions have averted possible loss of approximately USD 100 Million;
3. The MAT initiative is a serious combined onslaught against the corrupt and leaves them completely exposed and without resources to fight back.



## OPPORTUNITIES

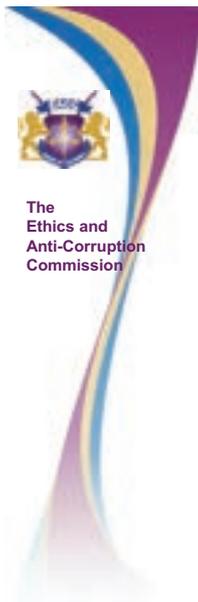
- **Revived resolve from the political leadership**

The Government of Kenya in the recent past has renewed its commitment to tackling corruption.

- **Multi-Sectoral Initiative against Corruption**

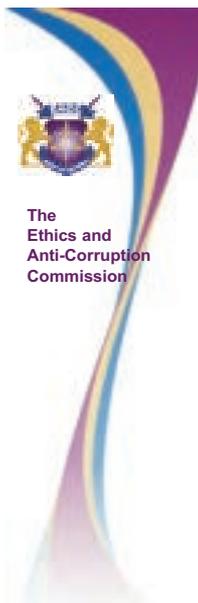
A platform for engagement with leaders from various sectors of the society around a unified and well-coordinated approach to fight corruption.

It draws its sectoral representation from the Private sector; Religious Community; Media; Professionals; Youth; Women; Trade unions; Civil Society among others



## RECOMMENDATIONS

1. There is need to develop mechanism for ensuring compliance by heads of public institutions for failure to implement recommendations made by EACC.
2. Review of the existing policy and legal framework.

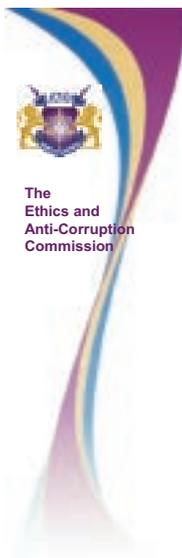


## COUNTRY VISITS

**Kenya received delegates from the following Countries:**

Zambia, Djibouti, Botswana and Uganda

**Kenya Visited:** Austria, Hong Kong, Tanzania, Ethiopia, Rwanda, China, United Kingdom.



**Thank You**

## Innovative Project implemented by the Directorate on Corruption and Economic Offences (DCEO) of the Kingdom of Lesotho



### A Country Paper Presented to the 9<sup>th</sup> Annual Commonwealth Africa Conference and Review Meeting of Heads of Anti-Corruption Agencies, Uganda, 6 – 10 May, 2019

*How Serious is the Problem of Corruption in Lesotho: Measuring Corruption through a National Benchmark Survey in Lesotho*

### Introduction and Background

The fight against corruption in Lesotho is spearheaded by the Directorate on Corruption and Economic Offences (DCEO) which was established in terms of Section 3 of the *Prevention of Corruption and Economic Offences Act No. 5 of 1999* as amended. In order to execute its mandate as per Section 6 of its founding statute, the Directorate adopts a three-pronged strategy, namely:

1. **Public education:** concerned with the sensitization and education of members of the public against the evils of corruption thereby soliciting public support in the fight against corruption
2. **Prevention:** concerned with the examination of systems of institutions in order to discover weaknesses which may create opportunities for corrupt practices to occur and then recommend practical measures for strengthening the systems
3. **Investigation:** gathering evidence through criminal investigation of all cases alleging acts of corruption and prosecuting the offenders in the courts of law so that justice is served.

Several initiatives have been undertaken by the Directorate across the three prongs so as to execute its mandate since the DCEO was effectively launched in 2003. Some of these key initiatives are as follows:

- Development of the National Anti-Corruption Strategy and Action Plan (NACSAP) as a multi-sectoral approach to tackling corruption with active participation of the public service as a sector, the legislature, the judiciary, the private sector and the civil society
- Introduction of the Schools Anti-Corruption Programme specifically targeting young people in the education system
- Declaration of assets, liabilities and interests by all concerned in terms of the *Prevention of Corruption and Economic Offences (Amendment) Act No. 8 of 2006* and the *Prevention of Corruption and Economic Offences Regulations of 2016*
- Introduction of the Asset Forfeiture Unit with special focus on non-conviction based forfeiture as a strategy to deny criminals the benefit to enjoy proceeds of crime.

- Establishment of several community based structures driving the anti-corruption agenda such as the District Anti-Corruption Committees (DACCs), Systems Integrity Committees (SICs), Students Integrity Associations (SIAs), Business Action Against Corruption (BAAC) and the National Coalition Against Corruption (NCAC)
- Creation of strategic partnerships at formal level through signed Memoranda of Understanding such as the partnerships with the Lesotho Mounted Police Service (LMPS), the Lesotho Revenue Authority (LRA), and the Financial Intelligence Unit (FIU) and partnerships established at an informal level such as is the case with DIAAL Institutions (That is the DCEO, Internal Audit of the Ministry of Finance, Accountant General, Auditor General and the LMPS).

Of all the initiatives that have been undertaken by the Directorate in the fight against corruption especially lately as is the spirit of this particular conference and review meeting, Lesotho wishes to share the initiative with regards to the question, How Serious is the Problem of Corruption in Lesotho?

It must be pointed out from the outset that for a long time, the Directorate has faced this critical question without any convincing answer up until the last year. All along, the Directorate has had to depend largely on foreign driven corruption measurement tools such as the Corruption Perception Index, the Afrobarometer, Mo Ibrahim Index, and so on. Clearly this has made the fight against corruption in the country very difficult since there was no clear sense of the magnitude of the problem, its causes in the context of Lesotho and the adequacy of the strategy that the country has put in place, to mention only areas of significance. The year 2018 saw Lesotho undertake a National Benchmark Survey on Corruption in Lesotho as the most comprehensive domestic tool for measurement of corruption and the effectiveness of the country's efforts in the fight against corruption. It is this study that Lesotho wishes to share with the conference today as the latest initiative project undertaken.

## **The National Benchmark Survey on Corruption in Lesotho**

The NBSC was developed, conceptually speaking, with technical assistance from the Commonwealth Secretariat, as a comprehensive tool for measuring corruption and the progress made in the fight against corruption in Lesotho. The tool was administered in 2018 through an independent consulting company, KESI Business Solutions (Pty) LTD after all the relevant procurement processes were followed. It is worth mentioning right from the outset that previously, Lesotho did not have a domestic tool for measuring corruption and the general progress the country is making in the fight against corruption, hence depended on the likes of the Corruption Perception Index (CPI) of the Transparency International (TI) and the Afrobarometer, to mention only the two. One needs not mention the complexities that often go with these measures at this stage. The major difference that the NBSC has brought is that it is very comprehensive in terms of its population coverage across the country, the critical issues which were the core subject of the survey and the recommendations made thereof.

## **The Key Objective and Purpose of the NBSC**

The main objective of the NBSC was to acquire a comprehensive and accurate understanding of the public's perceptions of, and attitudes towards, the corruption problem in Lesotho. This will be utilized as an important management tool for the Directorate on Corruption and Economic Offences (DCEO)'s planning of anti-corruption strategies and programmes, particularly for:

- Reviewing the anti-corruption legislation
- Formulating operational policy
- Planning and implementation of strategies for fighting corruption, and
- For evaluation of implementation strategies and action plans

## Specific Objectives of the Survey

In order to achieve the objectives of the survey, the consultant was expected to carry out the following tasks, *inter alia*:

1. To obtain an updated reading of the public's perceptions of the overall situation of the corruption problem and its causes, as well as their main sources of information about corruption;
2. To measure the public's perceived areas of corruption which require priority action by Government and the DCEO;
3. To measure the public's level of tolerance of corruption and attitude towards different aspects of corruption in the public and private sectors;
4. To measure the public's knowledge in the basics of the law on corruption offences;
5. To gauge the public's views on the performance and effectiveness of the DCEO's anti-corruption work;
6. To gauge the public's willingness to report corruption allegations to the DCEO;
7. To find out whether the public consider existing laws and the resources of the DCEO adequate;
8. To use the findings of this benchmark survey for trend comparison with those of similar surveys

## The Methodology Employed

The survey has employed both quantitative and qualitative methods of data collection. While the quantitative approach provides measurement in breadth, that is, the views and opinion of the entire population through stratified random sample, the qualitative approach on the other hand achieves the in-depth reading of the views and suggestions of members of the various segments of the community. The two supplement each other. It needs to be noted that the qualitative aspect of the survey was done previously, and therefore, this particular report deals with the qualitative aspect.

## Some Key Findings of the Survey

Below is a highly summarized form of some key findings of the survey only for purposes of illustrating its significance for future strategic planning of DCEO's overall performance:

- 67.1% respondents felt very dissatisfied about the overall situation
- The most serious challenges facing the country are unemployment, poverty and corruption and bribes
- 92% respondents said corruption is very common

- Top 3 factors that cause corruption are: 1) need for money to make a living; 2) desire to maintain lavish lifestyles; and 3) low salaries
- Trusted sources of information about corruption are Radio (50.94%), Television (24.66%), Newspapers (5.86%) and Social media (5.4%)
- 46.6% respondents said they would offer a bribe if requested
- Households' perceptions about corruption involving office bearers to a great extent: Members of Parliament (57.55%), Judges (45.9%), Ministers (49.55%) and police (70.65%)
- Perceived prevalence of corruption in select public service institutions/ services very common: Health care (58.95%), Education sector (45.95%), Independent Electoral Commission (41.15%), Lesotho Revenue Authority (39.1%), Procurement (39.45%), Political parties (65.45%), Non-Governmental Organisations (20.3%), Religious groups (59.6%) and Community Leaders (59.6%)
- 22.2% respondents think DCEO performs its duties as a neutral body

The study ends up with a clear set of recommendations for legislative, institutional and operational reforms for implementation by the Directorate and other relevant stakeholders.

## Main Challenges Faced in Undertaking the Survey

- Since this was the very first time a study of this nature and magnitude was undertaken, the Directorate identified its serious capacity limitations technically speaking.
- Due to the terrain of the country it was rather difficult to monitor the fieldwork as effectively as the Directorate would have wished more especially with population groups that are in the hard to reach areas.
- Though some public sensitization was made through radio, television and even letters sent to relevant authorities in various parts of the country, it emerged that many people had still not received the message well enough hence the teams had to struggle to collect the information as was expected. Perhaps this was also exacerbated by the absence of the office in the regions and districts, hence it had to depend wholly on local authorities.

## Results of the Initiative

The survey report is almost finalized with recommendations thus providing the necessary benchmark upon which future national benchmark surveys on corruption will be conducted.

## Lessons Learnt

- It is very critical that the Directorate addresses its internal technical capacity challenges as a matter of urgency so that similar projects in the future do not suffer the same problems that this project faced.
- Before conducting the survey, the Directorate had been under the general impression that on account of its rigorous sensitization programmes which more often involve mass media channels such as radio, television and newspapers in particular, coupled with some community based structures that have existed, it was known to the majority of the citizens. The results of this

study have clearly indicated that whatever modes of communication have been used thus far, cannot be enough perhaps until the Directorate has decentralized its services and it is present in the regions and districts of the country.

## Recommendations

- It is clearly of strategic significance that an anti-corruption agency has a clearer idea of the nature and magnitude of the corruption challenge that is being dealt with as per public perceptions because the perceptions may determine the level of support or lack of it that an agency is receiving or not. When the public is asked to provide such information, it becomes easier for the people to participate in the work of fighting corruption.
- The survey by its very nature becomes an important tool for reference in advocating policy change in terms of the legislative framework, institutional and operational capacity issues and even in the mobilization of all stakeholders, including development partners, for support in the fight against corruption.
- Since this tool, perhaps much more than many others especially those driven from outside, gives a measure of how much effort the country/agency is putting into fighting corruption, it is strongly encouraged that the tool be administered regularly at appropriate intervals so that the country is able to improve step by step.

## Conclusion

The DCEO feels this is an important milestone achieved in its life, and what can only follow is a careful but robust implementation of the recommendations from the study. A vote of thanks and appreciation to the Commonwealth Secretariat for the support, KESI Business Solutions for conducting the survey and all other key stakeholders who contributed to the success of this survey.



# Success Stories and Initiatives in the Fight Against Corruption in Malawi

Anti-Corruption Bureau, Malawi

9th Commonwealth Regional Conference of Heads of Anti-Corruption Agencies in Africa -  
Kampala, Uganda

## Presentation Outline

1. Introduction
2. Functions of the Bureau
3. Initiatives implemented & results
4. Challenges and possible solutions
5. Reflections & Lessons learnt
6. Recommendations
7. Conclusion

## Introduction

- ◆ The Anti-Corruption Bureau (ACB) is an autonomous Government institution
- ◆ The ACB was established under the Corrupt Practices Act in 1995 and amended in 2004
- ◆ The ACB started its operations in 1998

## Functions of the ACB

The Act mandates the ACB to prevent corruption and enforce the law against corrupt practices in Malawi.

This mandate is fulfilled through:

- (a) Corruption Prevention;
- (b) Public education;
- (c) Investigation; and Prosecution of Corruption cases

## ANTI-CORRUPTION INITIATIVES DONE

### (1) PARTNERSHIP WITH MALAWI ELECTORAL COMMISSION.

- ◆ Conducted joint mass awareness and sensitization rallies on dangers and consequences of corruption and electoral fraud during upcoming elections.
- ◆ Debates for candidates.

## Lessons learnt

- ◆ Need to empower people partnering with ACB on the ground and their supervision is paramount for effective delivery of programs
- ◆ Need to invest a lot in Information, Education and Communication (IEC) Materials

## Lessons learnt (cont/...)

- ◆ Use of “Edutainment” is important in mass awareness and also attracts more people
- ◆ Partnerships and joint activities reduce costs on partners involved

## Challenge

- ◆ The partnership has been towards the end of the preparations for elections, just during the campaign period. The messages have therefore been once off in the targeted areas

### Recommendation:

- ◆ Anti-corruption messages should run with all the civic education activities in the run up to elections, not just during campaign period

## (2) CONTROLLING OFFICERS' FORUM

- ◆ Forum was aimed at increasing awareness among controlling officers (COs) on corruption prevention within the MDAs.
- ◆ To share experiences on how the fight against corruption is being implemented in the MDAs in line with performance contracts.
- ◆ Discussed the strengthening of operations of integrity committees (IICs) in their establishments.
- ◆ Forum to be an annual event.

## Lesson Learnt

- ◆ COs are very crucial to the effective implementation of corruption prevention initiatives.

### Challenges

- ◆ Forum requires huge budget
- ◆ Lack of sanctions for non-compliant COs



### (3) NATIONAL INSTITUTIONAL INTEGRITY (IIC) FORUM

- ◆ There are 84 IICs across MDAs
- ◆ IICs forum is aimed at strengthening implementation of the National Anti-Corruption Strategy (NACS).
- ◆ Participants to the forum are Chairpersons of IICs and secretaries.
- ◆ Forum is a platform for IICs to share experiences and discuss ways on how to strengthen their operations within their institutions.
- ◆ Recommendations made at the forum are incorporated in our strategies to fight corruption. e.g. COs forum

### Lessons learnt

- The forum has acted as a motivation to non-performing institutions to improve on their performance.
- The forum gives insights on how the IICs can work effectively.

### Challenges

- Reluctance by some COs to support the IICs.
- Lack of sanctions for COs who do not implement corruption measures in line with performance contracts.
- 5% weight assigned to Corruption Eradication in the Performance Contract is too low.

## Recommendation

- ◆ Government through Performance Enforcement Department should revise Performance Contract Framework to increase weight on the fight against corruption which currently stands at 5%
- ◆ Implement rewards and sanctions of performing and non-performing MDAs respectively

## (4) MINI-SURVEY

- ◆ ACB in collaboration with the National Statistical Office (NSO) conducted a pilot Mini-research at the Departments of Road Traffic and Immigration Services.
- ◆ The aim was to assess quality of service delivery and level of effectiveness of anti-corruption initiatives being implemented in the depts.

## Lessons learnt

- The survey provided an opportunity to understand patterns and trends of corruption in the Departments which will provide a guide in devising appropriate strategies.
- It was cost-effective to use the NSO rather than outsourcing to consultants.

## Recommendations

- ◆ To develop indicators for future integrity assessment.
- ◆ Formalise MOU with NSO
- ◆ Roll out to other service delivery institutions

## (5) Recovery of Assets

- ◆ Malawi does not have a stand-alone law on Asset recovery.
- ◆ Use CPA(2004), Financial Crimes Act(2017)
- ◆ Between 2015 and 2018 Malawi managed to recover some assets using the criminal conviction based forfeiture.
- ◆ The assets recovered so far amount to MK 1.2 Billion (equivalent of USD 1.6 million).

## Lessons learnt

- ◆ Enhance cooperation among law enforcement agencies to have permanent task force on asset recovery.
- ◆ Harness public-private partnership in management of seized assets.

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## Challenges

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- ◆ Weak domestic laws - current practice of conviction based recovery & laws do not cover salient issues like beneficial ownership.
- ◆ Weak property rights -make it difficult to attribute an asset to a particular individual

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## (6) Exchange Visits

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- ◆ ACB visited Tanzania and Ghana for benchmarking tours.
- ◆ The team that went to Tanzania constituted members of the ACB's IIC, visit aimed at learning how to effectively deal with internal integrity issues.
- ◆ The Public Education Department visited Ghana to learn how to effectively collaborate with Civil Society Organizations.

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## Lesson learnt

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- ◆ How CSOs can work together with ACB.
- ◆ Perception that the fight against corruption is the sole responsibility of the ACB.

## Conclusion

- ◆ Corruption is dynamic and ACAs need to be adaptive.
- ◆ Collaboration and peer to peer learning within member states should be encouraged.

END OF PRESENTATION

Zikomo Kwambiri

Country Paper Mauritius  
The Integrity Officer's Project  
By  
ICAC Mauritius

## Presentation Outline

- ICAC Mandate
- The Public Sector Anti-corruption Framework (PSACF)
- Why the Integrity Officer project?
- Terms of Reference (TOR) for Integrity Officers
- Outcomes and Impact of the Integrity Officer Project
- Main Challenges and Reflections and Lessons Learnt
- The way forward

## Republic of Mauritius



- ✓ Capital: Port-Louis
- ✓ Includes the islands of Rodrigues, Agalega and St. Brandon
- ✓ Motto: Stella Clavisque Maris Indici
- ✓ Multi-ethnic, multicultural and multilingual
- ✓ land area is about 1,900 km<sup>2</sup>

## ICAC's Mandate

- The Independent Commission Against Corruption (ICAC) set up to fight corruption and money laundering by virtue of the Prevention of Corruption Act (PoCA) 2002 and the Financial Intelligence and Anti-Money Laundering Act (FIAMLA) 2002.
- Lead the national fight against corruption and money laundering.

### ICAC's Strategy to Fight Corruption



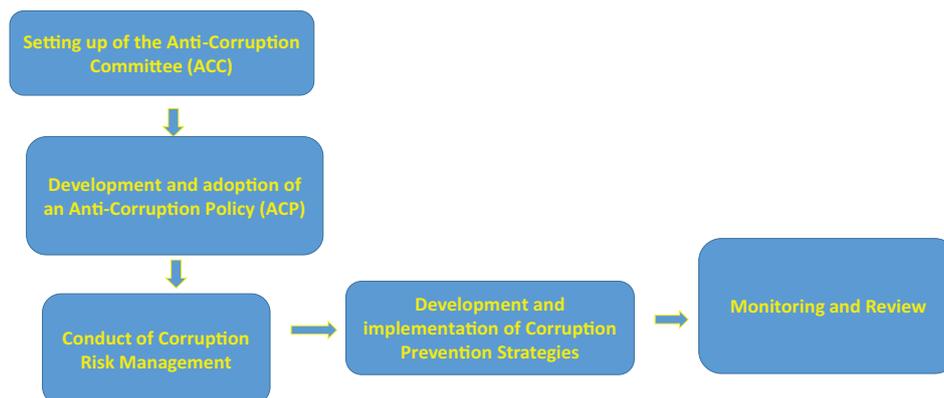
## Public Sector Integrity

- Promoting public sector integrity is high on the agenda of the Commission
- ✓ Having systems in place to reduce opportunities for corrupt behaviour – Corruption Prevention Reviews
- ✓ Reinforce the culture to make corruption unacceptable socially - Empowerment sessions
- ✓ Making public officers more accountable for their actions – anti-corruption structures and guidelines

### The Public Sector Anti-Corruption Framework (PSACF)

- Launched in 2010 the Framework contains plans, policies and strategies to build the capacity of public bodies to take ownership for corruption prevention and the challenge of building corruption resistance in their organisations and reinforcing public sector integrity.
- This Framework promotes a holistic and proactive approach to detect, prevent and combat corruption and improve the institutional capabilities of public bodies.

#### Steps in the Implementation of the PSACF



#### Circular Letter No 83 of 2017- Secretary to Cabinet and Head of Civil Service

The anti-corruption framework, if put in place and operated properly, would constitute an important instrument to uphold the principles of good governance and ward off risks of corrupt practices.

## Implementation of the PSACF

- A problem of leadership. Rotation of senior management staff. This practice unfortunately gave a blow to the smooth implementation of the PSACF as once the leader / chairperson of the Committee is transferred to another Ministry/Government Department, the work comes to a halt as no one ventures to take anti-corruption initiatives or lead the project.
- Implementation rate too slow. Several organisations got stuck at the level of the Anti-Corruption Policy and could not embark on the next stage.
- Lack of technical knowledge and skills in undertaking corruption risk management. Members of the ACC claimed that they were not sufficiently empowered to undertake corruption risk management.

## Integrity Officer Project

- Launched in 2014. The Integrity Officer project supports and complements the PSACF

The Integrity Officer:

- helps in expediting the implementation of the PSACF
- allows for a more permanent link with the ICAC
- provides technical guidance in matters of anti-corruption
- deters potential corruptors within the organisation
- provides a form of assurance to employees as the IO may offer advice on ethical /anti-corruption issues
- Not been appointed or recruited but rather designated by Ministries and public bodies to act as IOs.

## Profile of Integrity Officers

- a public official
- hold a senior position
- have a clean record and not been subject of any investigation
- demonstrate a high level of discipline and honesty and high sense of responsibility

## Terms of Reference for Integrity Officers

- Implementation of integrity and anti-corruption related activities
- Development, implementation and monitoring of anti-corruption policies and procedures
- Providing guidance to and advising management on integrity, ethics programme and corruption prevention
- Coordinating, supervising, monitoring and evaluating the organization's Integrity and Ethics programmes
- Providing guidance to management on how to conduct Corruption Risk Assessments
- Ensuring corporate compliance with relevant laws with reference to integrity
- Acting as Secretary to the Anti-Corruption Committee
- Implementation of recommendations of Corruption Prevention Reviews and Best Practice Guides
- Coordinating with ICAC on relevant training, implementation of the PSACF and other issues
- Upgrading and reviewing the organisation's Code of Ethics and Conduct, whenever necessary.

## Training of Integrity Officers

- **First Phase Training**
- The first - phase training comprised a 12 hour basic training for 128 public officers on corruption, integrity and risk management undertaken by internal resource persons from the ICAC
- **Second Phase Training**
- The basic training was followed by an advance training for Integrity Officers which was organised in collaboration with the Ministry of Civil Service and Administrative Reforms and the United Nations Office on Drugs and Crime (UNODC)
- **Refresher Training**
- An additional 10 hour training

## Outcomes and Impact of Project

- The faster implementation of the PSACF in public sector organisations
- The development and implementation of an anti-corruption programme by Ministries/Government Departments
- Increased awareness of anti-corruption and integrity issues and decrease of malpractices and corruption occurring within public sector organisations
- Better coordination between the ICAC and public sector organisations
- Recommendations of Corruption Prevention Reviews and Best Practice Guides implemented and several requests for information / education sessions
- Barriers to anti-corruption work eliminated

## Main Challenges

- Commitment and support from top management especially when organisations have been subject to an investigation
- The definition of roles and responsibilities of IOs and possible conflict within the organisation
- The lack of authority to execute the mandate of the IOs
- Request for a certain form of reward for 'additional works and responsibilities' (allowance, increment etc)
- Accountability of IOs
- Rotation of IOs from one Ministry or Government Department to another
- Monitoring and evaluation of IO's work.

## Reflections and Lessons Learnt

- The roles and responsibilities of IOs need to be properly delineated.
- IOs need to be constantly supported
- They need to be vested with the authority to execute their tasks
- They also need to be duly rewarded for the 'additional responsibilities', as they are accountable
- Management commitment is crucial for the effective functioning of IOs
- There needs to be a convergence between the vision of management and that of the IOs

## The Way Forward

- The creation of the substantive post for Integrity Officers with adequate remuneration, reward and motivation as part of a performance management system
- Regular training and interactions with IOs
- Setting up a platform comprising the ICAC and the Ministry of Civil Service & Administrative Reforms to oversee, coordinate and monitor the works of IOs

## Countries which visited Mauritius/or we visited

(i) ICAC provided assistance to:

- Mali
- Seychelles
- Madagascar

(ii) The following countries which visited ICAC:

- Madagascar (twice)
- Seychelles- Officers on Placement
- Liberia - Study Tour
- Botswana - Consultant
- Benin - Study Tour

(iii) ICAC Mauritius visited Zambia and Namibia

*Thanking you  
for  
your attention*



REPUBLIC OF MOZAMBIQUE  
ATTORNEY GENERAL'S OFFICE  
Anti-Corruption Bureau

**9th Meeting of the Commonwealth Anti-Corruption  
Authorities Africa**

**Intervention of Mozambique on Innovative  
Initiatives in the fight against Corruption**

**Maputo, May 2019**



## PRESENTATION STRUCTURE

### **(I) Introduction**

### **(II) Innovative Initiatives implemented by the Anti-Corruption Bureau (ACB)**

### **(III) Challenges for the Implementation of Initiatives**

### **(IV) Results of the Innovations**

### **(V) Recommendations to be Shared**



## **(I) Introduction**

- The ACB is the body of the Public Prosecutions specialized in the prevention and fight against corruption, embezzlement and concussion crimes. It is established at national level and comprises the Provincial Offices of Sofala, Nampula and Inhambane, being the first two at regional level.
- The ACB is headed by a Director with the category of Deputy Attorney General who reports to the Attorney General.



## (I) Introduction

- The powers of the ACB (act. 80 of Law 4/2017 of January 18<sup>o</sup>) are:
  - a) To prosecute and direct the investigation activities and preliminary proceedings of corruption, embezzlement and concussion crimes;
  - b) To participate, with the State bodies, in the implementation of the strategies of prevention and repression of corruption, embezzlement and concussion crimes ; and
  - c) Promote specialized training activities in the prevention, investigation and repression of corruption, embezzlement and concussion crimes ;



## (II) Innovative Initiatives implemented by the ACB

- In order to materialize the objectives established by the ACB, many innovative initiatives are being implemented in the Republic of Mozambique, but we will highlight in this forum the following:
  - 1) Creation and formation of anti-corruption centers in schools.
  - 2) Training the members of the anti-corruption centers in schools.



## (II) Innovative Initiatives implemented by the ACB

### 2.1. Anti-Corruption Centers in Schools

- The Attorney General's Office and the Ministry of Education and Human Development signed a Memorandum of Understanding in 2014;
- The scope of the Memorandum is to establish forms of inter-institutional collaboration and coordination, to establish, in schools (primary, secondary, technical, literacy and adult education centers and teacher training throughout the country) anti-corruption centers and integrate contents of Anti-Corruption in their school curricula.



## **(II) Innovative Initiatives developed by the ACB**

### **2.1. Anti-Corruption Centers in Schools (cont.)**

In accordance with the Memorandum, the following actions (considered as priorities) are being developed:

- Creation of anti-corruption centers in schools composed by students and teachers to develop activities related to fight against corruption;
- Training of the members of anti-corruption centers on issues related to the prevention of and fight against corruption;
- Inclusion of anti-corruption contents in school curricula;
- Organization of writing, plays, drawing and poster contest to stimulate the interest of students;
- Production of material for civic education activities (children's illustrated books "Lilito na escola" and poster).



## **(II) Innovative Initiatives developed by the ACB**

- Works in coordination with community radio activists of the respective communities, in order to ensure the multiplier effect through the dissemination of anti-corruption messages.



## **(III) Challenges for the Implementation of Initiatives**

- The need to ensure the continuity of the activities of the Anti-Corruption Centers, due to new students entrance and the evolution of students' levels of schooling;
- The need to create centers in all the schools of the country, in order to ensure greater efficiency of the program; and
- Need to ensure greater involvement of school boards as a way to promote community involvement.



## (IV) Results of the Innovations

Creating and forming anti-corruption centers in schools we achieved the following results:

- a) Involvement of communities through school boards;
- b) Change of behavior of students and teachers;
- c) Reducing levels of corruption in schools (examinations, school enrollment and access to job vacancies);
- d) Increasing in whistleblowing; and
- e) Increase of confidence in the centers for the purpose of whistleblowing.



## (V) Recommendations to be Shared

- a) Establish memorandum of understanding with education authorities, as they facilitate the collaboration to disseminate ethical and moral values from the beginning;
- b) Applicable practice to member countries once school is the training place for the man of tomorrow; and
- c) Applicable practice as it creates a comprehensive movement involving various segments of society, especially the students, professors, guardians and community members



**SAY NO TO CORRUPTION**



Kampala, May 2019



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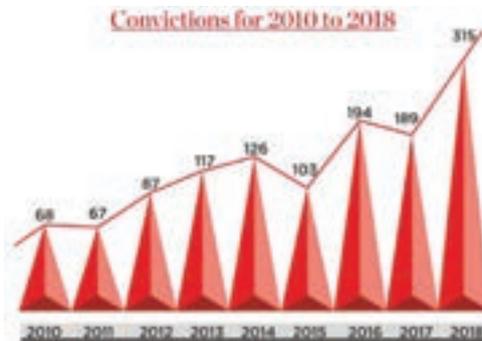
## Introduction

- A year ago, I had the privilege of hosting this important conference
- I recall sharing with those of you who were present, some of the important milestones recorded by the EFCC in the anti-graft war in Nigeria.
- These included unprecedented assets tracing and recovery, as well as a healthy convictions return in criminal prosecution. The figures were 189 convictions in 2017 and more than N437billion, \$98million €7million and £294,000 in assets recovered.



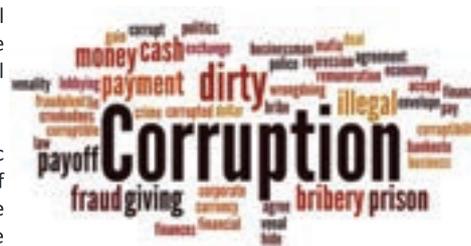
## Introduction (2)

- We have sustained the momentum. *In the last one year, the Commission almost doubled its conviction return with a record 315 convictions in 2018 and over N236.16billion worth of assets recovered. Assets forfeited in the year include 350 properties, 141 automobiles, 100 real estate, 3 vessels, 37 plots of land, 2 hotels, 1 barge, gas petrol stations and 44 bank accounts.*



## Introduction (3)

- Despite these facts, not much changed- in qualitative terms. Corruption is still Nigeria's greatest development challenge as it is now tagged as the poverty capital of the world.
- The expectation that democratic governance, with the promise of transparency and rule of law, will mitigate the problem of corruption which became rampant following decades of military rule has yet to materialise. Instead, democratic governance brought its unique corruptive influences.

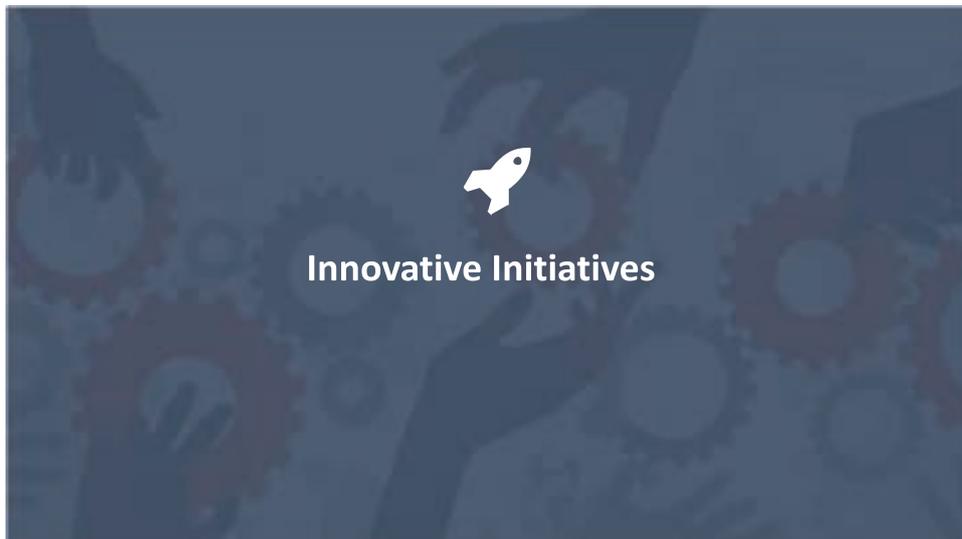


## Introduction (4)

- Each election cycle witnesses a spike in corruption as public resources are funnelled under various guises to prosecute the re-election bid of political office holders.
- The phenomenon of voter inducement was a unique dimension to public corruption in recent elections in Nigeria, where politicians threw money at the electorates to influence their votes.



6



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## Prevention

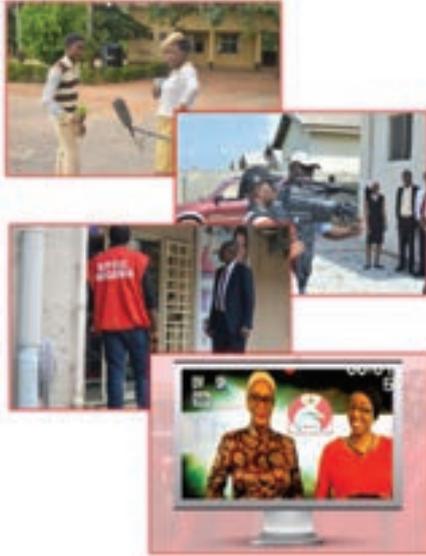


- Tackling corruption in a complex multi-ethnic society with a population of nearly 200 million people requires a robust prevention strategy.
- In line with Section 6 (f) of the EFCC Act which empowers the Commission to adopt “*measures which includes coordinated preventive and regulatory actions*” on the prevention of economic and financial crimes, the Commission has invested heavily in building its corruption prevention capability.



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## Prevention<sup>(2)</sup>



- EFCC has a full-fledged directorate of public affairs with a robust communication, public enlightenment and stakeholders' management architecture.
- However, in appreciation of the need to plug existing gaps in the public engagement structure, a Creative Communications Unit was created in October 2018, with the mandate to employ performing and visual arts to sensitize the people on corruption.



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## Prevention<sup>(3)</sup>



- Perhaps more revolutionary to our corruption prevention efforts, the National Broadcasting Commission last year, granted the Commission license to set up a radio station.
- It will, hopefully, alter the way we communicate in a dramatic fashion, as the EFCC will be able to directly engage the people across a vast swathe of territories in Nigeria and around the world through the internet.



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## Prevention<sup>(3)</sup>

10



- Other unique public outreach and engagements by the Commission in the last one year include town hall meetings and anti-corruption musical concert across major cities in Nigeria
- The Commission in December 2018 held the first ever anti-corruption marathon in the country. The event was endorsed by some iconic sports personalities in Nigeria.



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## Opening New Offices

1



- As part of the vision to bridge the gap between the people and the Commission, three new offices were opened in Ilorin, North Central Nigeria, Sokoto in the Northwest and Makurdi in the Middle Belt.
- These offices have improved the Commission's accessibility and by implication, response time in dealing with corruption issues in the affected areas.



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## Enforcement



- With the general election slated for first quarter of 2019, the focus of the Commission's enforcement activities in 2018 was checking money laundering and illicit financial flows.
- Steps were taken to explore the relationships that exist between the EFCC and other ACAs especially in the West African sub-region to tighten the screws and make trans border cash smuggling difficult.
- Part of these efforts saw me visiting my colleagues at the High Authority Against Corruption and Relating Crimes, HALCIA, in Niger Republic and the Economic and Organized Crime Office, EOCO, in Ghana.

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## Enforcement<sub>(2)</sub>



- Strategic deterrence meetings were held with compliance officers and chief executives of deposit money banks and Bureaux De Change to prevail on them not to allow their institutions to be used as platforms for money laundering by politicians.
- International airports and other exit ports in the country were placed under surveillance, leading to huge cash seizures at a few Airports.

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## Enforcement<sup>(3)</sup>



- Perhaps the revolutionary part of the Commission's enforcement activities was the intervention to check voter inducement during the Presidential and National Assembly elections on March 9, and the Governorship and State Assembly elections on March 23.
- For the first time in the history of electioneering in Nigeria operatives of the Commission were deployed to monitor polling stations and collation centres to discourage vote buying.
- The efforts culminated in some cash seizure and arrests. Some of those arrested have been prosecuted and convicted.



## Inter Agency Relationships



- In 2018, the Commission assisted the Federal Inland Revenue Service, FIRS, in recovering **several billions** of naira in unremitted tax revenues. It equally assisted in the recovery of large sums of money for the Nigerian National Petroleum Corporation, NNPC, and the Assets Management Corporation of Nigeria, AMCON.



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## Advance Fee Fraud



- A resurgence of advance fee fraud and internet fraud provided the impetus for the EFCC in 2018 to launch a major onslaught against the fraudsters by targeting major cities and towns where the crimes are pervasive. There have been several arrests and prosecutions leading to a number of convictions.
- The Commission has managed to stay ahead of the fraudsters despite the challenges of increased sophistication of technology and the ease of access to the internet through mobile telephony.



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## Intelligence



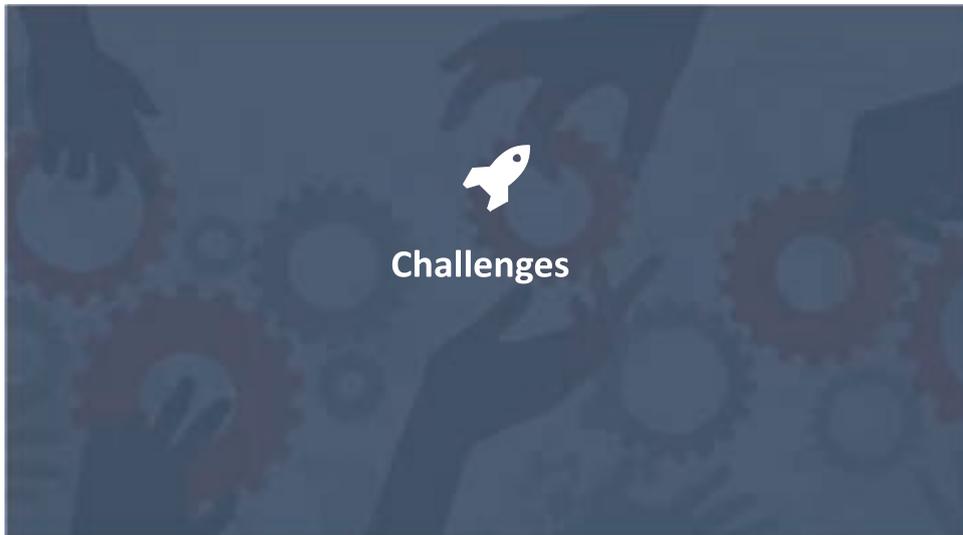
- The granting of autonomy to the Nigerian Financial Intelligence Unit, NFIU, in 2018, altered the status of the EFCC as the designated financial intelligence unit in Nigeria.
- Consequently, the Commission is confronted with the challenge of developing its intelligence capability through the Intelligence and Special Operations Section, ISOS.
- This is being executed simultaneously with improving the forensic capability of the Commission through the setting up of modern forensic laboratory at the new forensic building in the head office complex.



## Mentorship



- The Commission in pursuit of our vision to strengthen Africa's capacity to fight corruption continue to engage other anti-corruption agencies through exchange activities that enhance exposure to best practices.
- The most recent of such engagement was the visit by a team from the Zimbabwean Anti-Corruption Commission on study tour of the EFCC.
- Before them, we have had similar visits from Tanzania, Cameroun, Kenya, Liberia, South Sudan and Niger Republic.





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## Challenges

- For a number of years, public cynicism was perhaps the greatest threat to the Commission as some citizens find it difficult to appreciate the Commission's commitment to the fight against corruption in Nigeria.
- This challenge in the last one year shifted to the dangerous dimension of violent physical and psychological attacks against operatives and leadership of the Commission.



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## Challenges (2)

- My farm house was attacked by gunmen and one of the security guards murdered. Also during the last election where the Commission staked its reputation to stem the tide of voter inducement, some of our operatives were viciously attacked by thugs in Maiduguri, Borno State and Makurdi, Benue State and their operational vehicles vandalised.
- Uncooperative attitude of our international partners who frequently hide under local laws to withhold cooperation especially in matters of stolen assets recovery and repatriation.





## Results of the Innovation



- The EFCC has unwittingly set a benchmark for proactive law enforcement conduct in promoting the integrity of electioneering processes. The trend of open trading in votes by politicians desperate for power may have been shattered.
- Over N4.1million was recovered from political agents suspected of voter inducement.



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## Results of the Innovation <sup>(2)</sup>



- Ishiyaku Garba, a councillor in Bolari East council of Gombe State Northeast Nigeria, who was arrested while attempting to induce voters on March 9, has been convicted and sentenced to three years imprisonment; while the sum of N295,000 found on him was ordered forfeited to the Nigerian Government.



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## Results of the Innovation <sup>(3)</sup>



- It is my expectation that some of these strategies will serve as template for other countries in Africa to improve the integrity of their elections.
- In addition, the Commission's engagement with other anti-corruption agencies in West Africa has improved confidence, with greater prospects for intelligence sharing and even joint operations.
- Internally, the opening of additional offices brought the Commission closer to the people, encouraging more whistle blowing and greater public ownership of the fight against corruption.





## Reflections and Lessons



Through aggressive assets tracing and recovery the Commission is taking incentive out of grand corruption.

The fact that in the last one year billions of naira in assets had been recovered from a former first lady and a former chief of Defence staff has sent a forceful message that no one is above the law.

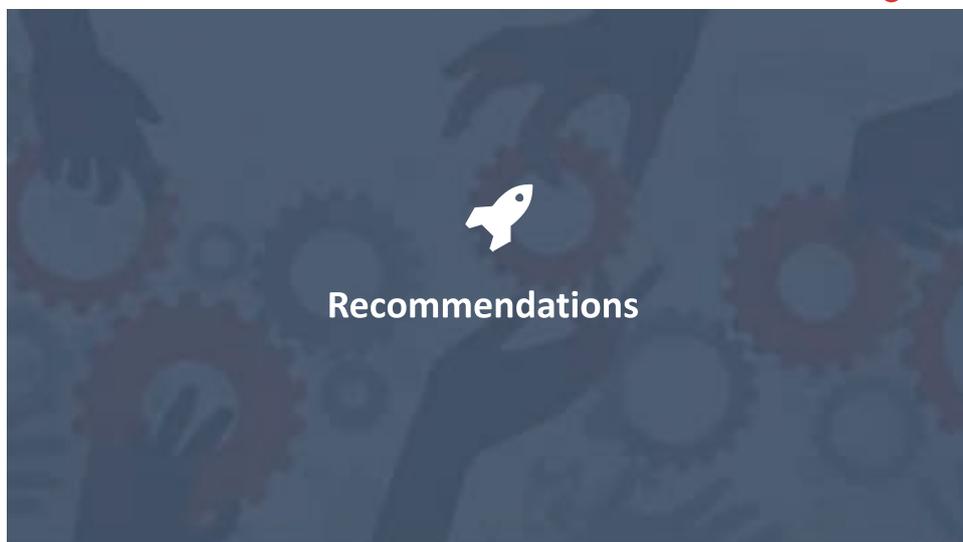


## Reflections and Lessons (2)



The conviction of two former state governors of corruption in 2018 after eleven years of trial evokes a feeling that impunity will ultimately be punished.

Gradually, public confidence in rule of law and transparency in the conduct of public affairs is being restored.



## Recommendations

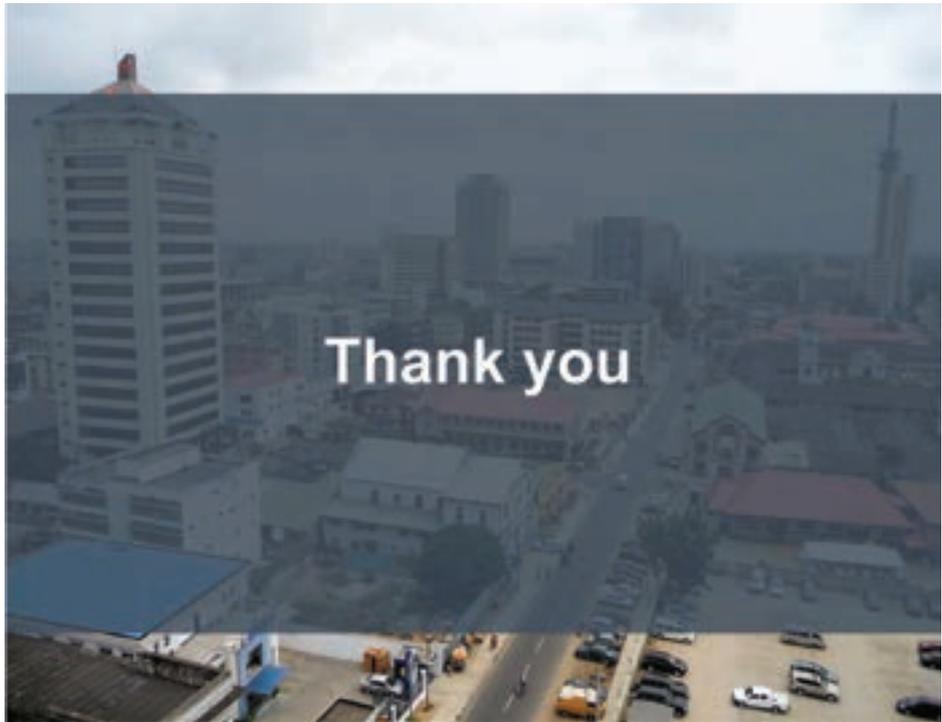




## Recommendations



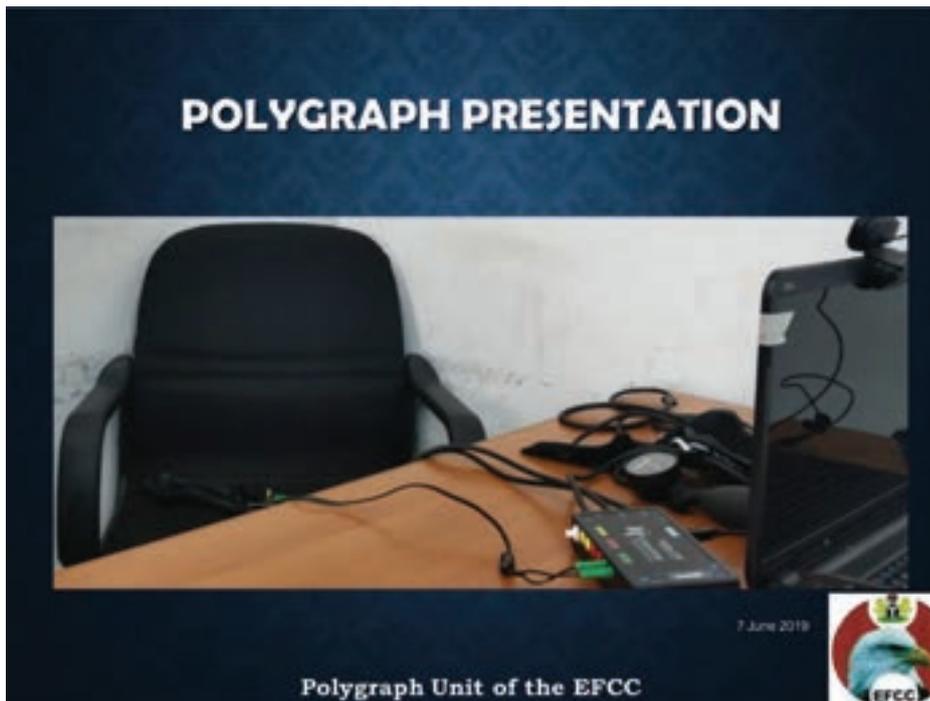
- Greater collaboration and interface among Africa ACAs will strengthen our capacity to tackle corruption.
- We encourage greater interface through study tours among Africa agencies with the experience and lessons learned shared at crucial fora such as this.
- We equally suggest that anti-corruption agencies in Africa should work together to overcome their deficiencies in critical areas of investigations and prosecution, especially new frontiers such as crypto currency fraud and cyber crime.



**Connect with us**



**@OfficialEFCC**



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- The Speaker will not assume any liability for errors or omissions or for damages resulting from the use of information/data, or views or opinions contained in or expressed here in.



7 June 2018



Polygraph Unit of the EFCC

## INTRODUCTION

In the last 50 years, we have embraced a variety of diagnostic and scientific tests such as Echo scan, Magnetic Resonance Imaging (MRI), Computed Axial Tomography Scan (CAT), Ultrasound, Electroencephalography etc. These results are often accepted without bias and prejudice.

Hopefully, by the end of this presentation, you would all embrace the Polygraph with enlightened objectivity.

18 March 2008



Polygraph Unit of the EFCC

# PSYCHO-PHYSIOLOGICAL DETECTION OF DECEPTION

OTHERWISE KNOWN AS:

- Polygraph: ‘many charts’.
- Lie detector

18 March 2020

Polygraph Unit of the EFCC



However, it should be  
noted that the  
Polygraph is NOT a lie  
detector!

Certainly, by the end of this presentation you would  
be convinced that the Polygraph is not a lie  
detector, but it detects deception

7 June 2019

Polygraph Unit of the EFCC



# EVOLUTION OF POLYGRAPH

Over 75 years of research has proven that the polygraph actually helps the innocent subject to pass!



7 June 2018

Polygraph Unit of the EFCC



OLD

NEW



Polygraph Unit of the EFCC



**Like several elite agencies such as CIA, FBI, NSA, Secret Service, Homeland Security, US Department of Defense, National Crime Agency (UK) etc the EFCC is also currently making use of the Polygraph.**

**Polygraph was introduced to Nigeria in 2013 by the EFCC.**

**The Commission's Polygraph Examiners are the first to conduct Administrative and Criminal testing in Nigeria.**

7 June 2018

Polygraph Unit of the EFCC



## **MISCONCEPTIONS**

- The polygraph can be beaten
- No machine can detect deception

7 June 2018

Polygraph Unit of the EFCC



## FACTS ABOUT POLYGRAPH

- It's a simple, accurate scientific procedure designed to measure the body's response to stimuli.
- A friendly scientific tool designed to help simplify investigation and confirm innocence or otherwise in both civil and criminal matters.
- The polygraph by design, is made to help the innocent subject pass.

7 June 2019



Polygraph Unit of the EFCC

## MEDICAL ISSUES AND THE POLYGRAPH

- Zero evidence to show negative impact on health.
- Does not interfere with pacemakers or any other life support device.
- Research has shown it to be safe for people of **ALL** ages.

7 June 2019



Polygraph Unit of the EFCC

## HOW IT WORKS

- Works on the principle of the body's response to hormones secreted at the fear of being discovered during deception.
- Every human responds to the stimulus of fear by:



7 June 2019



Polygraph Unit of the EFCC

## WHAT IS A POLYGRAPH INSTRUMENT

- A device used to test or question individuals for the purpose of detecting deception or verifying the truth of statements, must record visually, permanently, and simultaneously a person's cardiovascular pattern, respiratory or breathing pattern, electro-dermal or galvanic skin response pattern as a minimum.
- The use of devices not meeting the above requirements cannot be termed as a polygraph instrument .

18 March 2020



Polygraph Unit of the EFCC

- Collects physiological data such as:

- ❖ Blood pressure
- ❖ Respiratory rate
- ❖ Temperature
- ❖ Electro-dermal activity
- ❖ General body movement

7 June 2018



Polygraph Unit of the EFCC

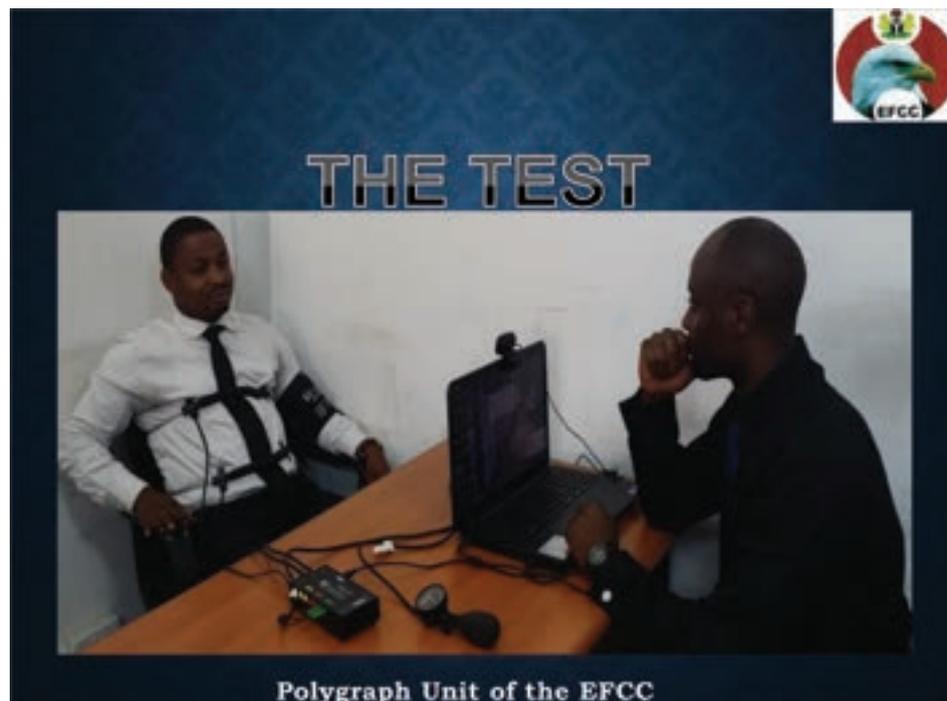
- Irrespective of the anxiety/stress level of the test subject, a baseline of all the physiological parameters are measured and established.

- A deviation from this norm is calculated using scientific methods and an Expert Opinion is given as to the truthfulness of the subject.

7 June 2018



Polygraph Unit of the EFCC



## TEST STAGES

**PRE- TEST**

- The issue(s) is/are discussed in details
- Questions are formulated together with the subject

**IN-TEST**

- Questions are asked while physiological data are recorded

**POST-TEST**

- Test result is discussed
- Further interview/testing may be conducted

7 June 2018

Polygraph Unit of the EFCC

# CHART EVALUATION AND SCORING

Polygraph tests usually have an accuracy of about 85%; which is far beyond reasonable doubt.

With the latest introduction of the Empirical Scoring System(ESS), the accuracy of Polygraph tests could become as high as 95.8% with the chances of getting inconclusive results being as low as 3.3%.

*\*Ref: Empirical Scoring System: A Cross-Cultural Replication and Extension Study of Manual Scoring and Decision Policies. NCJ 233838*

7 June 2019



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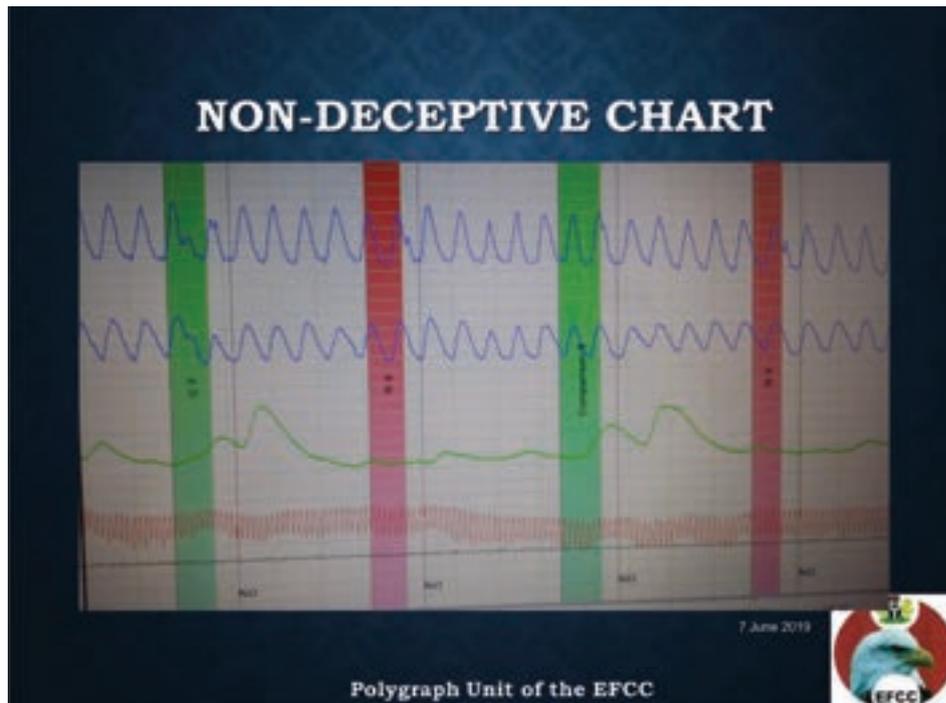
# DECEPTIVE CHART



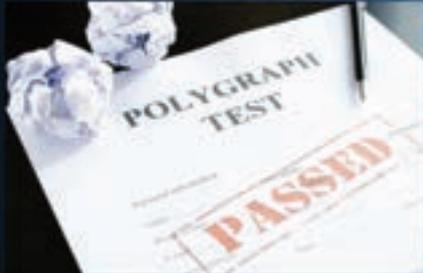
7 June 2019



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### RESULT ANALYSIS...



- CRIMINAL TEST:**
  - No Deception Indicated (NDI)
- ADMINISTRATIVE TEST:**
  - No Significant Response

7 June 2019

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**RESULT ANALYSIS...**



**CRIMINAL TEST:**  
• Deception Indicated (DI)

**ADMINISTRATIVE TEST:**  
• Significant Response

7 June 2019

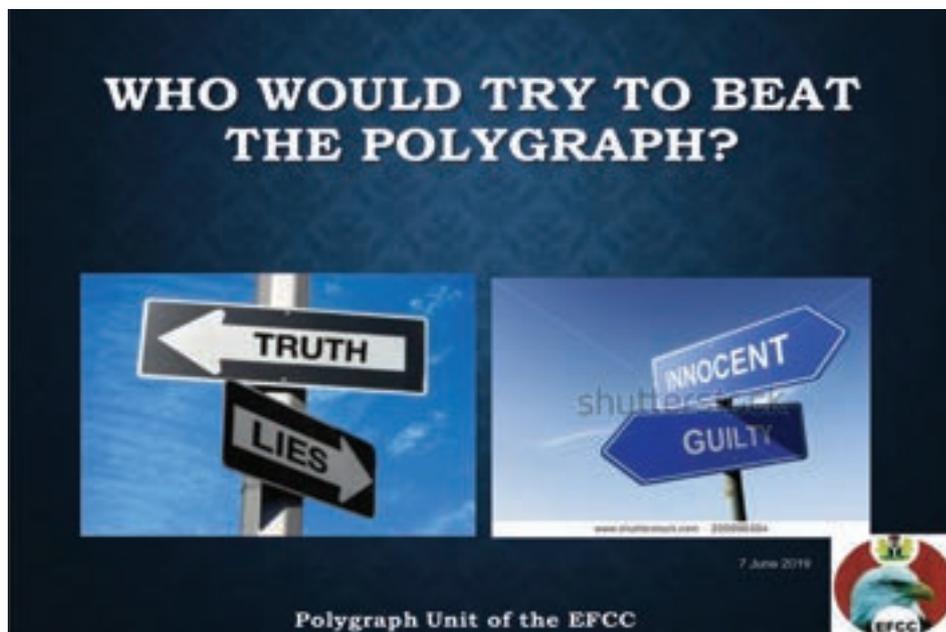
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**RESULT ANALYSIS...**



7 June 2019

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# WHO WOULD TRY TO BEAT THE POLYGRAPH?



7 June 2019



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# ACCURACY OF COMMON SCIENTIFIC PROCEDURES

- DNA (high rate of contamination in the field)
- Full Blood count
- Caesarian Section (15% infection rate, 9.2% adverse outcomes)
- Blood group
- Fingerprint collected from crime scenes
- Scans
- Baby sex

7 June 2019



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## USES / APPLICATION

- As investigators; it is a cutting edge tool to locate **hidden evidence**, provides **viable leads** in complex investigations.

- The polygraph is a **universal tool** embraced by elite law enforcement agencies in their investigation or pre-employment.

7 June 2019



Polygraph Unit of the EFCC

- In cases where investigations are on-going, the polygraph examination would help provide useful leads and help **re-direct** investigations to a positive outcome.

7 June 2019



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# ADMISSIBILITY OF POLYGRAPH IN CRIMINAL CASES



FRN VS Rosulu Idowu Oluronke  
High Court of Lagos State, Ikeja Judicial Division  
Before the Hon. Justice L.B Lawal Akapo  
Charge No: ID/1003C/2014

The defendant was sentenced to 10 years imprisonment. The Polygraph evidence was appealed and the judgement was upheld in 2017.

7 June 2019

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## PREMISE

### Evidence Act, 2011

- Expert testimony
- Computer generated evidence
- Scientific evidence

7 June 2019

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# TESTING PROTOCOL

- I **Location:** Should be a serene environment devoid of distractions and noise; the room should be sterile.
- II **Recording:** All tests are audio-visually recorded throughout the duration of the examination.
- III **Use of Interpreter:** If the examinee does not understand the language(s) spoken by the examiner, an interpreter may be allowed to sit in the same room with the examiner and examinee to help ONLY in translation.
- IV **Quality Control:** ALL tests go through quality control to ensure validity and adherence to scientific testing standards.

7 June 2019



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I..... voluntarily, without threats, duress, coercion, inducement, force, promise of immunity, agree and request to take a polygraph examination for the mutual benefit of myself and the Commission. I understand that:

I am not required to submit to this polygraph examination;

I can terminate this polygraph examination at any time by informing the Polygraph Examiner of that decision;

I give my consent to the use of any electronic recording equipment to be used during this polygraph examination;

I now request that the Commission proceed with the actual interview and polygraph examination.

I authorize the polygraph examiner to disclose both orally and/or in writing the results and opinion(s) to those persons or parties having an interest in this examination. This includes, but is not limited to an appropriate law enforcement agency for the purpose of a criminal investigation.

*Examinees shall be disqualified from taking any further part in the process where it is discovered that he/she has attempted to gain an advantage by any dishonest or intentionally misleading act or omission, or where he/she has been determined not to have complied with instructions from the examiner.*

**IN WITNESS THEREFORE,** I sign this form with full knowledge and understanding of its contents and intent. I further understand that any and all statements made during this examination are freely and voluntarily given and subject to use in criminal proceedings.

7 June 2019

.....  
Examinee Signature

.....  
Date

.....  
Examiner Signature

Polygraph Unit of the EFCC

.....  
Date



**RIGHTS ADVISEMENT FORM**

I..... certify that I understand the following and have made the decision(s) as indicated:

I have been advised that I am suspected of .....

I have the right to remain silent.  
Anything I say can be used against me in a court of law.  
I have the right to a lawyer.  
If I decide to answer questions now, without a lawyer present, I still have the right to stop answering at any time.

I understand my rights. I want to waive my rights to silence and a lawyer at this time. I am willing to answer questions.

Date ..... Time .....

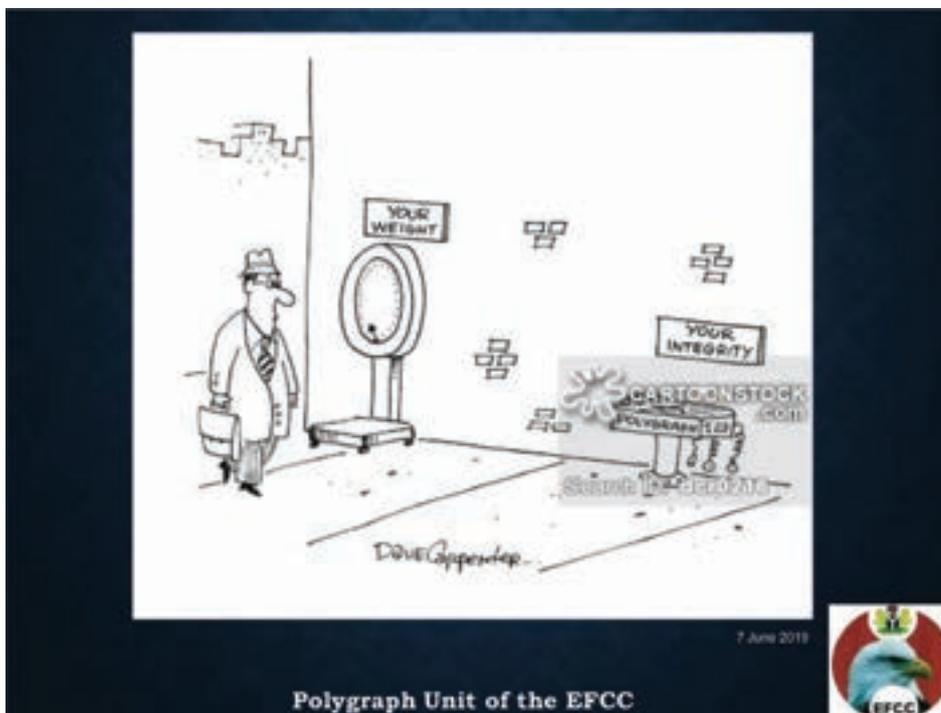
.....  
**Examinee Signature**

.....  
**Examiner's Name**

.....  
**Examiner's Signature**

18 March 2020

**Polygraph Unit of the EFCC**



- **RE-CAP:**

- \*What is Polygraph?
- \*Who is a Polygraph Examiner?
- \*Theories/basis of the Polygraph
- \*Application and Uses
- \*Testing and Chart Scoring
- \*Professional Opinion

7 June 2018

Polygraph Unit of the EFCC



**IN GOD WE TRUST.  
OTHERS,  
WE POLYGRAPH**

7 June 2018

Polygraph Unit of the EFCC





- The Corrupt Practices and related Offences Act No.5 of 2000 (“ICPC Act”). created the Independent Corrupt Practices and Other Related Offences Commission (ICPC) in September 2000.

#### **Statutory Mandate of the ICPC**

- Section 6 of the ICPC Act stipulates three core functions of the Commission
- Enforcement
- Prevention
- Education and Public Enlightenment
- The ICPC is therefore a multi-functional Anti-Corruption Agency (ACA) with investigative/prosecutorial, preventive and education/public enlightenment functions.
- Some States of the Federation challenged the unsuccessfully constitutionality of the ICPC Act in *Attorney-General of Ondo State v Attorney-General of the Federation* (2002) 9 NWLR (Pt. 772) 222



### Section 6 ICPC Act

- To receive and investigate any report of commission of corruption and related offence and, in appropriate cases, to prosecute the offenders
- To examine the practices, system and procedures of public bodies and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate fraud or corruption, to direct and supervise a review of the practices, system and procedures;
- To instruct, advise and assist any officer, agency or parastatal on ways by which fraud or corruption may be eliminated or minimized by such officer, agency or parastatal;
- To advise heads of the public bodies of any changes in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the commission thinks fit to reduce the likelihood or incidence of bribery, corruption and related offences;

- To educate the public on and against bribery, Corruption and related offences; and
- To enlist and foster public support in combating Corruption.

### Management of ICPC is vested in its board of Commissioners

- The Board is composed of a Chairman and twelve members. The new Board was inaugurated in February 2019 after screening by the Senate.

### **Enforcement of Anti-Corruption Legislation**

- ⦿ The new Board of the Commission is focusing attention on combination investigation and prosecution of corruption offences with non-conviction based asset forfeiture procedure, and intense preventive measures and public enlightenment to minimise corruption.
- ⦿ Recoveries in cash as at April 2019 is about N4.4b
- ⦿ Value of recovery in physical assets houses and exotic vehicles - N2.25b
- ⦿ 336 cases at various stages in court while a total of 120 convictions have been secured over time.
- ⦿ In 2019 alone 515 petitions are at various stages of investigation. It is routine to include lifestyle audit, tax and asset declaration in investigation.

### **Preventive Mandate of ICPC**

- ⦿ The Commission uses a number of prevention mechanisms such as -
- ⦿ System Studies
- ⦿ Corruption Risk Assessment
- ⦿ creation and deployment of Anti-Corruption Units (“ACTUs”) in MDAs;
- ⦿ Administration of Ethics and Compliance Scorecard on MDAs;
- ⦿ Tracking use of project funds in collaboration with CSOs and media.

### ***Anti-Corruption and Transparency Units (ACTUs)***

- Anti-Corruption and Transparency Units (ACTUs) have been established in 450 MDAs. The role of ACTUs is:
- to help ensure adherence to basic ethical standards in public service;
- assist in building strong and effective institutions devoid of corruptive tendencies.

### ***SYSTEMS STUDIES***

- In 2019 alone System Studies have been conducted in 32 MDAs and 24 currently on-going in 24 MDAs to determine leakages in public expenditures, block such leakage, identify any infractions or breach of extant rules, impose sanctions for breach, and recover public property. It must be emphasised that ICPC power to conduct system study is a powerful corruption prevention tool.

## **ACHIEVEMENTS OF SYSTEMS STUDIES**

Apart from helping to proffer solutions to identified corruption-prone processes in MDAs, Systems Study and Review exercise conducted on the Personnel Cost expenditure profile in 2016 led to the recovery and return to the treasury unspent balances in the Accounts of MDAs totaling N 68 Billion in 2017.

- The same exercise had saved the nation over N100 Billion in personnel costs in 2013.
- The 2019 exercise, which has been expanded to cover capital expenditures, is presently on-going.

## **CORRUPTION RISK ASSESSMENT**

- Corruption Risk Assessments (CRAs) have been deployed by ICPC to assess corruption vulnerabilities of various sectors of Nigeria's economy and MDAs. A total of 46 CRAs have been conducted from the inception of ICPC to April 2019, including CRA on the Port Sector, Aviation, Water Resources, Education Health and E-Government Systems etc.
- Nigeria has been acknowledged as the first country to apply CRA to assess operations at its sea ports. CRAs usually lead to operational reforms to reduce opportunities for corruption.

## ANTI-CORRUPTION ACADEMY OF NIGERIA

- The *Anti-corruption Academy Of Nigeria (ACAN)* is a specialized institution to provide world-class enforcement and anti-corruption education primarily for ICPC Staff and top-level professionals and administrators in the public and private sectors. ACAN is a centre for the study of corruption and conduct of scientific research aimed at providing state authorities with evidence-based findings to combat corruption.

### Activities

- Corruption Risk Assessment (CRA) Training for AU Heads of Anti-Corruption Agencies in Dec. 2018; the 3 day training had 69 participants from 31 countries. Some countries have requested further training.
- Certification of competencies of law enforcement professionals
- Academic research and professional policy analysis. About 2 weeks ago ACAN held a stakeholders' policy dialogue on Vote Buying and Campaign Finance in Nigeria following the just concluded elections in Nigeria. The Dialogue will result in a policy paper for reform of the electoral process.

- ACAN offers short-duration courses and bespoke programmes, in-service training, certificate programmes in collaboration with tertiary institutions.
- ACAN in conjunction with ECOWAS Secretariat, is presently developing curriculum on the same CRA methodology for ECOWAS countries to further boost their capacity for corruption prevention. About two weeks ago, ICPC in collaboration with ECOWAS held a workshop after which ECOWAS announced its intention to adopt ICPC for its corruption studies project.

## RECENT PROJECTS AND INITIATIVES

- **Constituency Projects Tracking Group:** Constituency projects are people centered projects inserted into the annual budget by legislators. Such projects bring development faster and closer to the people. Although funds are domiciled in MDAs, implementation is fraught with corruption by MDAs, nominating legislators and collaborating companies to whom contracts are awarded.
- ICPC recently formed a Constituency Projects Tracking Group comprised of ICPC investigators and non-state actors CSOs, Grassroots organisations, investigative journalists, and representatives of the Nigerian Institute Of Quantity Surveyors.

## CONT.

The CPTG will,

- Verify funded constituency projects and amount disbursed;
- Investigate fraudulent procurement practices in the award of contracts for constituency projects;
- Monitor the implementation of constituency projects from inception to completion;
- Make recoveries on projects/contracts confirmed to have been inflated or in which contractors under-performed or did not perform at all;
- Track contracting company; regulatory compliance (tax, pension, NHIS, etc).

## CONT.

The expected outcomes of the CPTG are:

- Improved delivery of social welfare services to citizens;
- Value for money in appropriation of public funds;
- Increased performance of the enforcement mandate of ICPC;
- Enhanced collaboration between ICPC and the CSOs and media;
- Increase in the quality and quantity of information/intelligence shared;
- Increase in recovery of public funds;
- Improved opportunity to attain Sustainable Development Goals (SDG).

## ILLICIT FINANCIAL FLOWS TRACKING GROUP:

- The ICPC has also constituted an Illicit Financial Flows and Tax Fraud Group. This group tracks IFF that are hemorrhaging the economy of Nigeria. This group collaborates with the Federal Inland Revenue Service on tax compliance of companies and individuals.
- The ICPC is also the secretariat for the Inter-Agency Committee set up by government to implement the Thabo Mbeki report on Illicit Financial Flows.

## EDUCATION/PUBLIC ENLIGHTENMENT

ICPC uses different vehicles to perform her education and public enlightenment mandate. These include -

- the National Anti-Corruption Coalition (NACC). The NACC is a broad assemblage of CSOs to galvanise local or grassroots engagement of the populace to act against Corruption;
- National Anti-Corruption Volunteer Corps (NAV) for critical mass activism against corruption. NAV is a voluntary body of committed anti-corruption individuals expected to mobilise ordinary Nigerians to act and speak out against corruption.
- School Anti-Corruption Clubs in basic/secondary schools to inculcate positive values in school children
- Students Anti-corruption Vanguard (SAV) to mobilize foot soldiers against corruption at the tertiary education level

## CONT.

- The National Values Curriculum developed by the commission and now adopted by the National Council on Education for infusion (of core values) in the relevant subjects at the primary school level up to Teachers' education level.
- Synergy with Professional Bodies, Trade Associations, Community Based Organizations to address issue of professional misconduct connected with infractions of Anti-Corruption legislations and their codes of professional practice.
- Use of Toll Free Lines to encourage confidential reporting of corruption by citizens. Lines guarantee anonymity and whistle blower protection
- Currently in partnership with some Universities in the country to develop and teach Anti-Corruption strategy.
- Radio and television programs
- Deployment and upgrade of its whistle blowing app 'Wahala Dey'

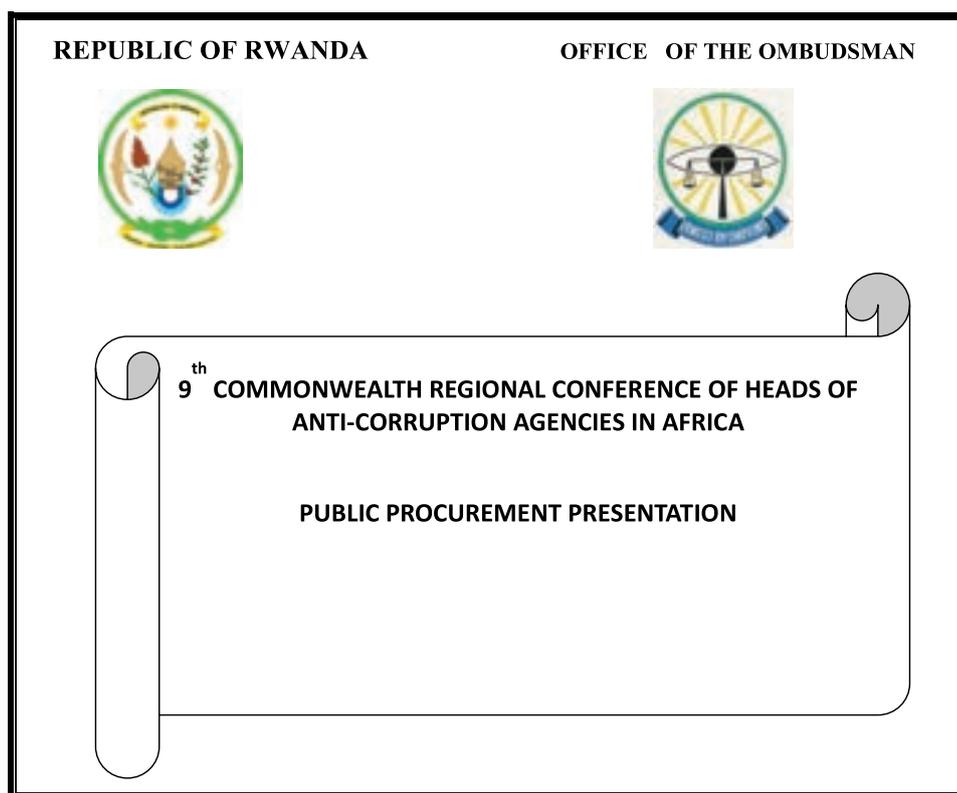
### **Impediments and Challenges**

- Funding
- Capacity gaps and deficits in number of investigators and prosecutors
- Gaps in legal framework - whistleblower protection, proceeds of crimes
- Delay in case turnaround and unfavourable judicial climate
- Public cynicism to the fight against corruption

### **Looking forward**

- Increasing number of prevention initiatives and public education to diminish corruption in the long term
- Increased use of non-conviction based asset recovery mechanisms
- Improving turn around time for investigation
- Increasing number of cases filed for prosecution
- More engagement of citizens to own the fight against corruption

*THANK YOU*



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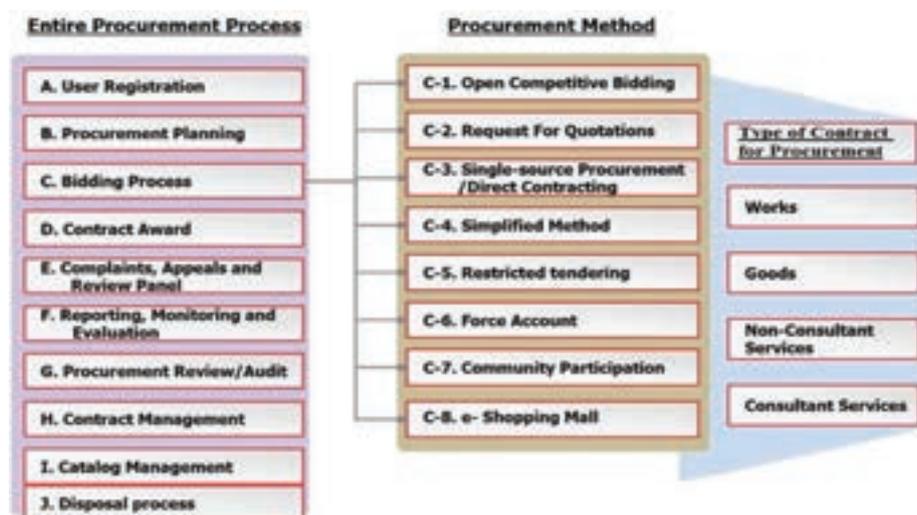
## 1. Brief introduction and background

- The Government of Rwanda has undertaken a number of Anti-corruption measures coupled with immense political will, zero tolerance to corruption and public support.
- The Office of The Ombudsman was established in 2003 by the Constitution of The Republic of Rwanda of 2003 revised in 2015 (article 139).
- The Office of The Ombudsman's mission are provided for in article 4 of the Law n° 76/2013 of 11/09/2013 determining the mission, powers, organization and functioning of The Office of The Ombudsman.
- The Office of The Ombudsman is a hybrid institution which deals at the same time with addressing injustice complaints; preventing and combating corruption and promoting integrity and transparency.
- "There can be no doubt that corruption is very costly to both governments and businesses and as such impacts negatively on our development efforts" (H.E. Paul Kagame, The President of The Republic of Rwanda).
- Rwanda's commitment to fighting corruption has led to the enactment of many laws covering anti-corruption:
  - Law n° 44bis/2017 relating to protection of whistleblowers;
  - Law n° 42/2014 of 27/01/2015 governing recovery of offence-related assets;
  - Law n° 54/2018 of 13/08/2018 on fighting against corruption;
  - Law n° 69/2018 of 31/08/2018 on prevention and punishment of money laundering and terrorism financing money laundering, and terrorism financing.
- Importantly, corruption offenses in Rwanda are "imprescriptible" that is, they are not subject to any statute of limitations.
- Specialized chambers at Intermediate Court level were established to prosecute corruption. The court system in Rwanda is headed by the Supreme Court, with the Court of Appeal, the High Court, Twelve Intermediate Courts, and Forty-one Primary Courts.
- Each Intermediate Court now has specialized chamber for corruption and other economic crimes.
- Public and private institutions, civil society and international organizations are required to implement mechanisms for the prevention of corruption. The Office of The Ombudsman has the power to request administrative sanctions against the Leader of an organization that fails to comply with Rwanda's corruption prevention measures.
- To meet the ambitious transformation goal set by the Government of Rwanda, digital technologies are shaping the Rwandan society in fighting against corruption.

## 2. Innovative work or initiatives implemented

- The Government of Rwanda put in place E-Procurement System for Rwanda (UMUCYO). The Rwanda E-Procurement System automates the public procurement processes and enables the interactions of Government to Business Services (G2B).

## E-Procurement System based on Rwanda public procurement processes



### Procurement process is divided into the following parts:

#### a. User registration

All bidders must be register in the procurement system

#### b. Procurement planning

A procuring entity prepares public procurement plan while preparing the budget and submit to Rwanda Public procurement through e-Procurement System.

#### c. Bidding process

All procurement activities must be done in the system (Bid document, advertisement, opening of the tender, evaluation, etc.).

#### d. Contract award

Procuring entity prepares contract through the system

#### e. Complaints, appeals, and Panels review

- At any time from the publication of the tender to the signing of the contract, a bidder may request for review to the procuring entity in case he/she is not satisfied with the procurement proceedings. A request for review must be made in writing through the system
- Independent Review Panel is composed of seven (7) members appointed for a period of four (4) years. They are drawn from the public sector, private sector and civil society.
- Appeals to Rwanda Public Procurement Authority within seven (7) days from the day of notification of the decision of the procuring entity.

#### f. Reporting, Monitoring and Evaluation

Every procuring entity must insert in the system. The report shows how the procurement plan is being implemented

#### g. Procurement Review/Audit

E-Procurement System allows the internal auditors and Auditor General to review the implementation of the Public procurement.

**h. Contract management**

The procuring entity must be represented by the supervising official, in contract execution

**i. Catalog Management**

E-Procurement has a database of products and services that Public Entities need to purchase.

**j. Disposal Process**

E-Procurement has a window where the public institutions record the used Assets to be sold in auction

- By using the online system, the Government purchases goods, works, services and non-consultancy services to help the Government to ensure efficiency of public procurement with the standardization of electronic documents, supplier registration, goods and services information and to streamline public procurement transactions for efficient government service delivery.
- Since July 2016, this system has been implemented in 8 Government entities (3 Ministries, 3 Agencies and 2 districts) and its deployment in the remaining entities started with July 2017 (Central Government Institutions and Local Governments on District Level). The use of the E-Procurement System requires the prior registration of suppliers and procuring entities in the system.

The system facilitates international suppliers to register without physical checking of their documents and they can participate in tendering as well as sign contracts via E-Procurement system (online) without their presence in Rwanda.

- Documents from external linkage (securities, RSSB, RRA Certificates Trade licence and Credit line) come from the systems of respective organisations and sometimes have missing data. In this case procuring entities are advised to seek clarification from the issuing organization's document or from E-Procurement Project before decision is made. This will avoid unfair qualification of bidders and further complaints which may result.

**3. Main challenges faced in implementing the initiatives**

Rwanda has made impressive strides over the years towards ICT development and developing ICT as a crosscutting enabler for the development of other sectors. However, some challenges remain and more efforts are need, especially in the e-procurement system:

- External linkage systems can sometimes be a source of technical issues: We constantly work with linkage systems owners to fix any issues
- Procuring entities should consult document (from external linkage systems) issuing entities or the Project Support Team to avoid unfairly disqualifying bidders or lengthy claims
- Double work preparing online and offline contract

**4. Results of the innovation**

- Reduced risks of corruption in public procurement in Rwanda by reducing physical contact between suppliers and government officials;

- Reduced public procurement time & cost by using online processing for the entire procurement process (for example the cost on advertisement of the tender, cost of print out of tender documents, filling space of document related to the tender, etc.)
- Efficiency of public procurement with the standardisation of electronic documents, supplier registration, goods and services information;
- Establishing of a single channel and portal for public procurement contracts;
- Achieving value for money for government by cutting corruption
- channels to get sufficient information on products and suppliers.

## **5. Reflections and lessons learnt**

- Political will constitutes a key pillar in adopting and implementing anti-corruption initiatives;
- It is of paramount importance to focus on prevention, education, collaboration, enforcement as well as monitoring and evaluation while fighting against corruption;
- The ICT Sector is increasingly occupying an important position in Rwanda's endeavours to achieve the targets associated with the National Strategy for Transformation and the vision 2050 goals with Zero tolerance to corruption.

## **6. Recommendations**

- No Country is immune from corruption and governments need to work together and with partners from business and civil society to tackle corruption successfully.
- The political will and leadership committed to eradicate corruption should be considered as bedrock in the fight against corruption.
- We should put more efforts on prevention rather than enforcement and engage youth with positive values as future leaders since low ages.
- E-Procurement is an efficient system to limit corruption in public procurement (Africa loses \$148 billion to corruption every year as said by Akinwumi Adesina, The President of the African Development Bank).
- E-Procurement and E-Payment Systems are key innovative activities to fight against corruption.

# 9<sup>th</sup> Commonwealth Heads of Anti-Corruption Agencies - Uganda 2019



ANTI-CORRUPTION COMMISSION  
SEYCHELLES

May De Silva, Chief Executive Officer  
ACC Seychelles Uganda 2019

## Brief Country Profile



### Seychelles



**Population:** 97,199 (as at 31<sup>st</sup> Dec 18)

**Capital:** Victoria

**Language:** English, French and Creole

**Size:** 455 sq.km



## ABOUT ACCS

The Anti-Corruption Commission of Seychelles (ACCS) was established under the Anti-Corruption Act 2016 creating a means to “investigate, detect and prevent corrupt practices” (Act 2 of 2016)

The 2016 Act states that:

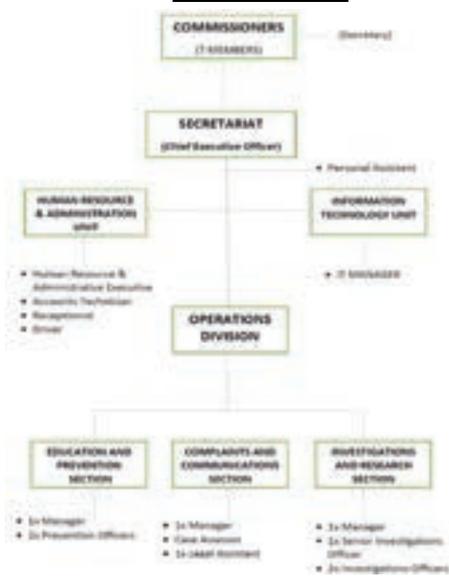
It **shall** be a self-governing, neutral and independent body and **shall not** be subject to the direction or control of any person or authority.



May De Silva, Chief Executive Officer ACC Seychelles Uganda

2019

### ACCS Structure



The Annual Budget for the year 2019

SR 14,193,434.50 converted to approx. \$ 993,937.99



May De Silva, Chief Executive Officer ACC Seychelles Uganda  
2019

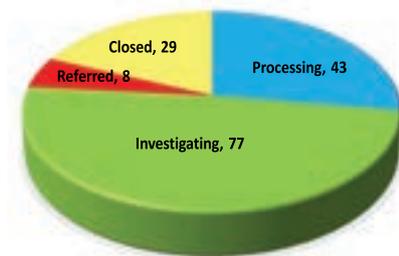
ACCS commits to fighting **corruption** through effective investigation, detection and prevention of **corrupt practices** for a **corruption free** Seychelles.



May De Silva, Chief Executive Officer ACC Seychelles Uganda  
2019

## COMPLAINTS AND CASES

### COMPLAINTS RECEIVED TO DATE



May De Silva, Chief Executive Officer ACC Seychelles Uganda 2019



## EU FUNDED PREVENTION AND EDUCATION PROGRAMME



May De Silva, Chief Executive Officer ACC Seychelles Uganda 2019

## EU PROGRAMME

- Partnership with NGO sector
- Funds are disbursed to Transparency Initiative Seychelles
- Dedicated ACCS Prevention Officer
- Programme in all 12 secondary schools
- Post secondary educational establishments

May De Silva, Chief Executive Officer ACC Seychelles Uganda 2019



## MEDIA AWARENESS CAMPAIGNS

- Rolling programme to sensitize the public
- Newspaper Ads over festive period
- TV ads over Anti-Corruption Week in December
- Roadside Ads (to be introduced by June 2019)

May De Silva, Chief Executive Officer ACC Seychelles Uganda 2019



## PUBLIC SECTOR PROGRAMME

- Chief Executive Forum (includes Principal Secretaries and Heads of parastatals)
- Prioritize MDAs where complaints are highest
- MDAs to establish Anti-corruption Officers
- Next steps – Enforcement programme

May De Silva, Chief Executive Officer ACC Seychelles Uganda  
2019



## INTERNATIONAL PARTNERSHIP/VISITS

- CAACC Botswana (2 staff members)
- ILEA Botswana (IT, Investigations)
- EU (CEO/Investigations)
- MOU with ICAC Mauritius (Exchange Programme 5 staff)
- IACCC UK (associate membership)
- ESAAMLG (Member of AML/CFT National Committee)
- UK Partners (Security Africa/SH Legal/GT)

May De Silva, Chief Executive Officer ACC Seychelles Uganda  
2019



## NEXT STEPS

- Amendments to AC Act 2016
- Capacity Building and training
- MOU's with Commonwealth Africa partners
- Exchange visits

May De Silva, Chief Executive Officer ACC Seychelles Uganda  
2019



## ESTABLISHMENT OF THE ACC

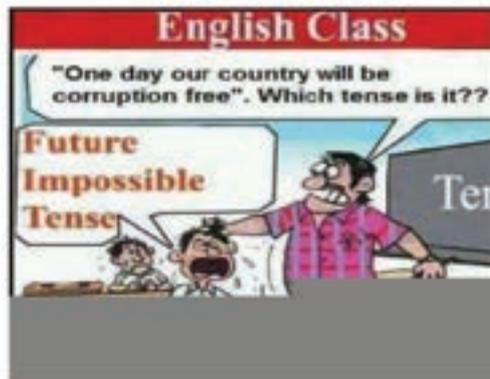
The Anti-Corruption Commission was established by the Anti-Corruption Act 2000, which was repealed and replaced with the Anti-Corruption Act (No. 12) 2008.

## MANDATE

- ▶ To take all necessary steps for the prevention, eradication or suppression of corruption and corrupt practices.
- ▶ To investigate instances of alleged or suspected cases of corruption referred to it by any person or authority or which has come to its attention whether by complaint or otherwise.
- ▶ To receive, examine and retain all declarations of assets required to be filed with it under the Anti-Corruption Act 2008.
- ▶ To draft model codes of conduct and advise public bodies as to the adoption of such codes of conduct as may be suited to such bodies.
- ▶ To issue instructions to public bodies of changes in practices or procedures which are necessary to reduce or eliminate the occurrence of corrupt practices.
- ▶ To prosecute all offences committed under the Anti-Corruption Act 2008.
- ▶ To educate the public on the dangers of corruption and the benefits of eradication and to enlist and foster public support in combating corruption.

## MISSION

Leading the fight against corruption in partnership through public education, prevention, detection and enforcement for the benefit of all citizens.



## INNOVATIONS IN THE FIGHT AGAINST CORRUPTION IN SIERRA LEONE

1. MAKE CORRUPTION A HIGH-RISK LOW-RETURN VENTURE THROUGH EFFECTIVE DETECTION, INVESTIGATION, PROSECUTION & PUNISHMENT
2. DEEPENING DOMESTIC RECOVERY/INTERNATIONAL RECOVERY
3. MAINSTREAMING ACC ISSUES IN THE PUBLIC SECTOR
4. SET UP OF THE SPECIAL ANTI-CORRUPTION DIVISION OF THE HIGH



## Vision of Current Approach

- ▶ Launder the image of the country/Reduce Reputational Cost of Corruption.
- ▶ Shifting the perception of Sierra Leoneans to believe in the fight against corruption, and favourably position the country in global indexes on corruption.
- ▶ Ensure corruption control is more effective than ever before.
- ▶ Ensure that unchecked impunity for the corruption is eradicated or made the exception began.



## Approach

- ▶ Radical transparency drive built on the pillars of Prevention, Investigation, Prosecution, and Public Education:
- ▶ No Compromise Posture through public education and action in concert with the police, the judiciary, and the President.
- ▶ Arrests and detention where there is established probable cause of corruption or corrupt practices (up to 10 Days).
- ▶ Swifter Investigations and confrontation with evidence leading recovery or prosecution
- ▶ In certain cases option to face prosecution with chances of hefty fines/imprisonment or recover money, then name and shame the official concerned
- ▶ Undiluted Public engagement on what corruption has done to the country and unrestricted discussion of the issues as long as they do not compromise already existing investigations.
- ▶ Insistence on custodial sentence for corruption that go to court involving current government/public officials or unprecedented imposition of fines.



## Results Due to this Approach



### 1. DEEPENING RECOVERIES

- ▶ Unprecedentedly, the ACC has been able to recover domestically over Le 13 Billion (Over \$1,500,000.00) of lost fund through corruption and corrupt practices and returned to the People of Sierra Leone for the provision of social services; with almost 10 Billion Leones already committed to be recovered in the next 6 months after completed investigations (This recovery rate within one year is more than to what the ACC had collected in all its 18 years prior existence) using the approach of confrontation with evidence and option to repay in select cases where evidence is borderline or problematic or recovery is more expedient.
- ▶ Le7.5B of the recovered amount applied for the commencement of the construction of an ultra-modern diagnostic centre by the GOSL.

## 2. Prosecutions and Convictions

- ▶ Prosecutions are now moving faster and investigations covering all spheres of public life with no room for impunity.
- ▶ 100% conviction rate within the Year (10 months) with zero acquittal – 16 straight convictions from an average of 4-5 per year with many acquittals.
- ▶ Reduction in backlog of cases and increase in new prosecutions.
- ▶ Approaches for Plea bargains and voluntary guilty pleas now very frequent



### 3. Punishments

- ▶ Recoveries from fines have also increased exponentially with fines per count jumping from Le30M before now to as high as Le250M.
- ▶ Custodial Sentences without a fine now used often.



### 4. Expanded Operations in Key Sectors

- ▶ Successful raids on corruption prone institutions including the police, the judiciary, the Customs Department, Border crossings, etc with 100% accuracy leading to arrests and prosecutions or administrative actions against Public Officials.
- ▶ Speedy Investigations averaging one month in stead of an average of 6 months.
- ▶ Sting Operations to test corruption prevalence in certain sectors

This has led to an exponential increase in revenue generation by the National Revenue Authority.

## 5. Reaction of Indexes

- ▶ Sierra Leone has now passed the Millennium Challenge Corporations' Control of Corruption Scorecard from a failing position of 49% in 2017 to a respectable pass of 71% in 2018;
- ▶ Afro Barometer Corruption Perception dropped from over 70% in 2015-2017 to an all-time low of 43% in 2018;
- ▶ Similarly, according to the Afro Barometer Corruption Perception survey of 2018, Citizens' belief in government's effort in the fight against corruption jumped from an all-time low of 40% to over 66% in 2018;
- ▶ and according to Transparency International's Corruption Perception Index, Sierra Leone moved one space up in the CPI rankings unlike 113 other countries that experienced a decline in scores.
- ▶ Also, based on research by Independent Researchers known as IGR who put together the Bio-meter capturing realization of the President's Manifesto promises, the fight against corruption received 80% approval by the citizens and is ranked 2<sup>nd</sup> in achievements.
- ▶ Generally, the citizens' confidence in the fight against corruption and the results being produced by the ACC is at an all-time high

## 6. Awards and Recognitions

- ▶ "Best Public Sector Institution of the Year 2019" at the National Development Awards 2018 and "Outstanding Commission of the Year"
- ▶ Multiple National, regional and International Awards for the Commissioner and Staff of the Commission.



## 7. SET UP OF THE SPECIAL ANTI-CORRUPTION DIVISION OF THE HIGH COURT

- ▶ As a major deliverable, in collaboration with the judiciary, a special anti-corruption division of the High Court has been set up within the judicial structure.
- ▶ This court will now have five (5) specialized judges with primary responsibility separately to hear and determine cases charged by the ACC with greater efficiency, speed, and accuracy.
- ▶ It will unclog the clog in cases in court and drastically reduce the time corruption cases will take to be prosecuted.



## 8. Strengthen the Anti-Corruption Law, Powers and Regulatory Regime

- ▶ The Commission has tabled before parliament a bill for the amendment of Anticorruption Act, 2008 to establish a more efficient and manageable assets declaration regime by reducing the pool of targeted officials;
- ▶ Provide administrative actions that can be taken for non-compliance with the asset declaration regime;
- ▶ Increase punishments for corruption offences,
- ▶ strengthen the civil and criminal powers of the Commission;
- ▶ Better protect witnesses, strengthen prevention, and other reforms.

This amendment will ensure greater efficiency in the fight against corruption and consolidate efforts to make corruption a "high risk and low return venture" for public officials and persons covered under the Act within the vision of the New Direction for Sierra Leone.



## 9. Aggressive Systems and Processes Review and Enforcement of Recommendations

- ▶ The Systems and Processes Review Department undertook Systemic examination of personnel management to curb salary double dipping in various MDA's and refund recovery is underway.
- ▶ In addition, the Department conducted workshops on ethics and integrity in the workplace as a way of sanitizing workers' performance and output. In line with the foregone, the Commission has completed a monitoring exercise of all development projects in the local councils and participated in the development of a National Motor Vehicle Policy of the Sierra Leone Road Safety Authority.
- ▶ The Commission also successfully reviewed the management of drugs at the Central Medical Stores, reviewed the financial practices of the Freetown City Council, reviewed the systems and processes of the Ministry of Lands, Country Planning and the Environment, the National Council for Technical, Vocational and other Academic Awards and the Njala University.



## 10. MAINSTREAMING ACC ISSUES IN THE PUBLIC SECTOR

1. Mainstreaming of Anti-corruption Issues into the public sector and the development of services Charters. This was an EU funded project that gave a clear road map on the activities carried out by each MDA, especially service delivery institutions.
2. Embedding Integrity management Committees in key MDAs as an integrity Check body within.
3. Strengthening the Pay-No-Bribe reporting Platform and ensuring swifter action.
4. Targeted public education programmes, enlisting the media, the judiciary and the Civil Society.

# Conclusion

- ▶ In that regard, after inheriting an institution that many considered a failure in its mandate, relying on the team inherited there have transformed it under the new direction to be the best and its efforts have continued to launder the image of the country internationally and restore the faith and confidence of the citizenry on a scale that has never existed in its 18-year existence. As a result, all global and national research and indexes confirm that corruption is at an all-time low and the country is ranking favorably in Global Indexes on Corruption Control.
- ▶ The vision of the President is to achieve corruption control and put the country on a solid path for sustainable development. The ACC will be at the heart of achieving this social transformation. Based on the remarkable progress being made, this is projected to be achievable in three years.





**ESWATINI ANTI-CORRUPTION COMMISSION  
REPORT AT THE 9<sup>TH</sup> COMMONWEALTH REVIEW  
MEETING OF HEADS OF ANTI-CORRUPTION  
AGENCIES IN AFRICA**

## CONTEXT

1. Introduction and Background
2. National Initiatives
3. Institutional Initiatives
  - Innovative
  - Other
4. Challenges
5. Results of the Innovation
6. Reflections and Lessons Learned
7. Recommendations

## **INTRODUCTION & BACKGROUND**

- ▶ The Anti- Corruption Commission is a Government Department under the Ministry of Justice and Constitutional Affairs;
  - ▶ Established in 1998 by the Anti-corruption Order of 1993 which was repealed and replaced by Prevention of Corruption Act of 2006 which re-established the current ACC office in 2008
  - ▶ It reports to Parliament through the Ministry.
- 

## **INTRODUCTION & BACKGROUND**

- ▶ The Agency is headed by the Commissioner and assisted by two Deputy Commissioners.
  - ▶ A new Commissioner was appointed by His Majesty King Mswati III in October 2018.
  - ▶ The Deputy Commissioner for Investigations and Asset Recovery vacant position was also filled.
- 

## **INTRODUCTION & BACKGROUND**

### **Staff complement:**

- ▶ Total of 43
  - ▶ Sixteen (16) investigators and
  - ▶ Three (3) officers for the Prevention and Education Section
- 

## INTRODUCTION & BACKGROUND

**Mandate:** The Commission has a three-pronged mandate:

- *Prevention*
- *Education*
- *Investigations*



## INTRODUCTION & BACKGROUND

### **Corruption challenge:**

The National Perception Survey Report launched in 2017 affirmed corruption as a major concern for the country's economic progress and is still strongly cited as an impediment and a drain to the country's:

- economic development
- foreign direct investment &
- Financial stability

There is hence a national demand and expectation for visible and effective anti-corruption interventions



## NATIONAL INITIATIVES

A strong political will remains the pillar of strength and impetus for fostering the anti-corruption agenda in the face of resource constraints.

Corruption remains a focal area in the Government Programme for 2019–2023



## NATIONAL INITIATIVES

His Majesty King Mswati III in his parliament speech for 2019 acknowledged:

- › the strong sentiments of the nation against corruption expressed through a people's parliament held in October 2018
- › the need to fight, control and eliminate all forms of corruption for turn around of the country's economy.

The newly appointed Honourable Prime Minister also declared zero tolerance to corruption.



## NATIONAL INITIATIVES

- › The Commission joined the Ministry of Justice in developing Sector Strategic Plan for 2018–2023 informed by the Government Roadmap
- › The ACC is in the process of reviewing its Strategic Plan for 2013–2018 and developing one that will be aligned to the Government Strategic Roadmap and Justice Sector strategic plan.



## NATIONAL INITIATIVES

Cabinet has formed a Cabinet Corruption Prevention Committee headed by the Deputy Prime Minister to look into:

- Creating an enabling environment for anti-corruption agenda and interventions.
- Removing bottlenecks especially within the justice value chain.



## NATIONAL INITIATIVES

- ▶ Government increased the Commissions budget for fiscal year 2019 – 2020 amid the country’s financial constraints.
- ▶ We note, however, that the budget requested by the ACC was not fully funded but the slight increase is commended.



## NATIONAL INITIATIVES

Government’s commitment to Policy and legislative reforms:

- ▶ A draft National Anti-Corruption Policy has been put in place. The Government is pursuing its finalization.
- ▶ Government is also assisting with amendments to the current legislation to align with international, continental and regional conventions and protocols.



## NATIONAL INITIATIVES

The anti-corruption specialized unit established by the DPP continues to:

- ▶ Assist with corruption cases
- ▶ Build capacity for executors to be ready to take on AC cases.



## INSTITUTIONAL INITIATIVES

### *INNOVATIVE INITIATIVES*

#### ***Media Campaign:***

The ACC tapped into a partnership with a private media company where the Director of the company wrote a religious book on corruption:

- ▶ The company and ACC partnered to create a communications campaign dubbed 'Future Leaders Against Corruption' (FLAC)
- ▶ The media company solicited sponsorship for full page from a privately owned media, Times of Swaziland to run AC messages.



## INSTITUTIONAL INITIATIVES

- ▶ Sponsors were also solicited to buy volumes of the book which was later distributed to schools.
- ▶ The project and the book were launched and the ACC ran radio and television adverts for the campaign.



## INSTITUTIONAL INITIATIVES

- ▶ Daily anti-corruption educational messages were published in the Times of Swaziland, totalling to 81 for the campaign duration.
- ▶ A daily readership of 140,000 people was attracted and TV audience was exposed to the campaign promotions, including three (3) TV educational meetings.
- ▶ The draw competition attracted over 50,000 responses.



## INSTITUTIONAL INITIATIVES

- ▶ Competition draws were held every two weeks with educational segments on anti-corruption for the attendees.
- ▶ The campaign resulted to over 266 winners sharing cash prizes totalling E220,000 an equivalent of \$15,000



## INTITUTIONAL INITIATIVES

### OTHER INITIATIVES

- ▶ The Commission is a key stakeholder in the ISO37001 (Anti-bribery Management System) technical committee in collaboration with the Eswatini Standards Authority (ESA) and other fifteen (15) key stakeholders.
- ▶ 2017 National Corruption perception Survey results were disseminated resulting to engagement with eight (8) stakeholder institutions with a view to initiate integrity committees.



## INTITUTIONAL INITIATIVES

The Commission took part in the International Trade Fair 2018 which lasted for a week where:

- over 1000 members of the public were interacted with on a one-on-one basis and also received anti-corruption awareness messages.



## INSTITUTIONAL INITIATIVES

- ▶ 34 interactive educational meetings were held with various institutions including the public sector, private sector, schools and institutions of higher learning.
  - ▶ 29 radio educational and phone in programs were held.
  - ▶ ACC Eswatini undertook an exchange twinning programme with Lesotho and Botswana.
- 

## CHALLENGES

Main challenges faced implementing programs remained as captured in last reports:

- ▶ Financial Resources
  - ▶ Human Resources
  - ▶ Extended life span of cases in court system
- 

## INNOVATION RESULTS

- ▶ The design and presentation of the FLAC campaign provoked a wide active participation of both the young and old.
  - ▶ Participants of the draw were compelled to read the articles to find answers for the competition.
  - ▶ The over 50000 responses received suggests that more people were reached with the anti-corruption message.
  - ▶ ACC spent less on the overall project due to the sponsorship.
- 

## INNOVATION RESULTS

- ▶ Through the project more private companies participated in the AC agenda
  - ▶ Increased demand for the ACC services.
- 

## REFLECTIONS AND LESSONS LEARNT

- ▶ Innovative strategies that seek Inclusive participation for all stake holders stands out as an effective tool for the wide outreach needed for fighting corruption.
- 

## RECOMMENDATIONS

ACC agencies should continue to strengthen and intensify collaborative efforts for effectiveness as:

- ▶ Corruption is perceived in all dynamics of the economy hence inclusive participation of stakeholders remains relevant in fighting corruption.
  - ▶ Inclusive participation also provides a platform for a pool of innovative AC strategies.
- 

# BOTTLENECKS IN THE FIGHT AGAINST CORRUPTION IN COMMONWEALTH AFRICA

PRESENTED BY DR. EMMA O. HOSEA H

## INTRODUCTION

1. There are no better words to explain corruption and its consequences to the society (rich or poor) than the words of the late Kofi Annan, the former UN Secretary General: "Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life, and allows organized crime, terrorism, and other threats to human security to flourish. This evil phenomenon is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive. Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development."

[The United Nations Convention Against Corruption, United Nations: New York, 2004. p. iii]

2. There about four models of ACAs: (1) Specialized in prevention with a full range focus in Policy development, research, monitoring and Evaluation. (2) Enforcement Model. Emphasis on investigation and prosecution of corruption cases. (3) Prevention and Education focusing on promoting ethics inside public institutions and include elaboration and implementation of special measures concerning public service rules and restrictions, and administering disciplinary punishment for non-compliance. (4) Multi disciplinary Model (The Hong Kong replica) Enforcement, Prevention and Public Relations or Community Education.

## BACKGROUND TO THE ESTABLISHMENT OF ACAs IN AFRICA

1. Before UNCAC (2003) came into operation (2005) there were few established ACAs in Commonwealth Africa and Africa generally. However, by 2018, 186 countries had ratified the convention. Today almost all countries in Africa have either an ACA or Government Inspectorate, Ombudsman, Ethics Commission or Economic and Financial Crimes Commission depending on the history and emphasis placed in a particular country.
2. Those few ACAs that were established before UNCAC, it was because of Western countries/Donor countries' conditionality attached to provision of development aid needed in Africa. It was also linked to economic liberalization and political democratization, adherence to the Rule of law especially in a post-conflict environment and post-authoritarian rule. (Donor Driven).
3. Very few ACAs existed in 1970s (Tanzania-1971 cf Hong Kong 1974). In 1980s and 1990s International organizations continued to put pressure on developing countries to establish specialized agencies to dealing with the problem of corruption (OECD, WB, IMF). Hence many countries started creating ACAs to respond to external pressure and be seen fighting corruption. Also it became an electorate trump-card by most politicians. Any promise that he/she will tackle corruption by its horn will create enthusiasm to the electorate. In 1977 the US Foreign Corrupt Practice Act aimed at securities and foreign bribery where US companies in collusion with foreign nationals were involved in facilitation fees and the like to get access to foreign contracts or business and in 1997, the OECD promulgated a Convention on Combating Bribery of Foreign Public Officials in International Business Transactions heightened the momentum to establish such bodies as part of the efforts towards the fight against corruption.
4. The UNCAC has become the recognized international instrument that placed emphasis on universality of fighting corruption and hence proliferation of ACAs in all developing countries, (Africa, Eastern Europe, Asia and Latin America.) On the other hand, Developed countries claim that they have such institutions which are strong and therefore it is superfluous to establish such bodies. This explains the nature and composition of ACAs we have today. Nonetheless, international conventions set standards for their effective operation: these bodies should be independent from undue interference, specialized in corruption (staffing), and have sufficient resources and powers to meet their challenging tasks (Art. 6, 36 of UNCAC; Art.20 paragraph 5 of AUCAC; Art. 4 of SADC Protocol against Corruption; Art. III paragraph 9 of Inter American Convention against Corruption).

## WHAT ARE THE POTENTIAL BOTTLENECKS?

In the Commonwealth Africa, we have established ACAs (1970s-2000) with specific mandate to deal with the scourge of corruption (Constitutions or Legislations), encompassing prevention, enforcement and community education. The renowned "Three Prong Approach" to corruption, In the enforcement side, we have added "Asset Tracing and Recovery" especially, focusing on civil forfeiture for illicit enrichment or disproportionate wealth (that cannot be reasonably explained or accounted for to satisfy the law). There is ample evidence that confiscation through the criminal process takes time and a lot of resources has to be expended to process asset recovery.

What is it that is holding back to achieving the gains of the fight against corruption? As Annan confirms, governments must provide funds intended for development of our people, the ability to provide basic services, ensuring equality and justice to all through an independent judiciary guided by the Rule of law; and encouraging foreign investments and innovation and technology for speedy and steady transformation. "Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development." The following are some of the potential bottlenecks that we need to address:

a) Political will is relatively present but is failing to trickle down to establishing and sustaining strong structures and institutions of good governance.

b) Lack of strong institutions results into weakened Rule of law, lack of transparency, and accountability of the institutions themselves to the people (citizens). Linkages and coordination of institutions.

c) Lack of sustainable institutional competences and capability/capacity (Meritocracy and professionalism). History has shown with consistency that fighting corruption through police model as we see in Hong Kong before establishment of ICAC does not bear the expected results. You need specialization.

## CHALLENGES HEADS OF ACAs FACE

- ACAs, like any human institutions, are vulnerable to manipulation and corruption. Staff members often have access to sensitive information and discretion over consequential decisions.
- Internal abuses of office, such as tampering with evidence or leaking information to persons under investigation, can degrade not only an ACA's capabilities but also its credibility.
- The need to guard against this vulnerability is critical for ACAs to remain respected and credible.
- There is a need to create Internal Affairs Units to counter any such unethical and irresponsible conduct or behaviour amongst the staff of ACAs.
- Other agencies like in Nigeria (EFCC) they have introduced lie detectors to counter such misconduct of their staff, which if left unchecked tarnishes the image of the ACAs.
- Opponents of ACAs can exploit the credibility gap that an ACA experiences in the wake of scandal, in order to cut back anti-corruption enforcement. ACA leaders should commit themselves to ethical standards even stricter than staff codes.

## INTERNAL FAULT LINES THAT WEAKEN ACAs

- Interference can be played in factions against one another, either in the media or behind the scenes. The ACAs are in constant battle against the corrupt that invariably wield power, money and influence.
- When opponents who are powerful find out that the Head of ACAs is strong, ethical with integrity they will find ways and means to infiltrate the organization he/she is leading in order to weaken and cause a sense of disarray within the organization which in turn portray that even the ACAs themselves are corrupt and disorganized how can he/she lead such a noble cause to fight against corruption?
- ACA leaders need channels to resolve internal disagreements in order to present a unified face to their staff, their partner agencies, and the public. Leadership skills with firm decisions and flexibility to adopt new and emerging threats is pivotal for the ACA's leadership.
- Interference in ACA operations and autonomy comes from varied sources of power and influence, including: Government officials, politicians, and media who are affected by the work of ACAs.
- To counteract, ACAs need resources and levers of influence, provided by:
  - Allies among the general public, the media and civil society, and the international community. ACAs should invest time, attention, and resources into those partnerships for staunch support which are needed most.
  - Public support is an important source of the political capital required to fend off high-level retaliation.

## ACAs PERCEIVED VULNERABILITY

- In contrast, ACAs perceived as weak or biased are more vulnerable to interference. If the general public does not support the ACA, the ACA is weakened and may find itself dead.
- ACAs with high levels of public support have reputations for boldness, impartiality, and competence. Close attention to effective communications and public relations is important as well, because allies and society in general need to know and once they have knowledge and good cause of the ACAs they are receptive to rendering the required support.
- In contrast, ACAs which struggle with public relations, have moderate levels of public trust and often times are perceived to be incompetent. Publicity for an anti-corruption agency is one of the bases for its survival; ACA has to be visible. ACAs should build collaborative and mutually beneficial relationships with journalists and advocates of good governance, who provide investigative leads, help monitor government performance, and rally support when threats surface.
- ACAs should build useful partnerships with other government institutions and offer substantive assistance to partner agencies. International stakeholders provide ACAs with support ranging from financial aid and technical assistance to international media attention against political pressure, especially when sustained over time, can deter political interference with ACA operations by sending a clear signal of international support.
- ACAs cannot work in isolation and this is not the meaning of independence. There is no absolute independence.
- ACAs should have a specific sphere of jurisdiction. If there are multiple agencies having similar jurisdiction then ACAs cannot function properly and are doomed to fail. [De Speville (2000), Doig (2004), Meagher (2005), Pope (1999).]

## PREVENTIVE AND EDUCATION STRATEGIES

- Unlike high-profile investigations, preventive and educational reforms provoke little fight back or retribution against ACAs or their leaders. ACAs' high-profile investigations and low-profile educational and preventive measures are mutually reinforcing.
- Common preventive activities, such as systemic reviews of public sector institutions, development of integrity plans to minimize future risks, and checks of draft legislation gaps, reduction of corruption risks tend to attract favourable attention and praise as the right strategies to combating corruption and the saying goes "Prevention is better than cure" though at the same time researchers will draw our attention to their findings that corruption has reached endemic proportions as it has permeated in all sectors.
- ACAs should undertake systemic reviews of government offices with problem-prone areas like construction and customs and ultimately reaching public bodies nationwide.
- ACAs publicly rank state offices against each other and publicise the results to build competitive pressure for progress. As, no head of an organization would want their ministry to be labelled as the most corrupt ministry.
- Institutions are the most reliable arbiters of their own corruption risks and any integrity planning requires their active involvement in this context, establishment of preventive units in Kenya; Integrity Committees in Tanzania and Zambia respectively are good examples to mitigate corruption risks in public sector institutions. Participation of society strengthens and enhances transparency of and promoting the contribution of the public to decision-making process; to ensure that the public has effective access to information; to ensure that public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula; respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption.
- ACAs can focus on lower-visibility activities, especially in corruption prevention and education, rather than on big-fish investigations, provoking less pushback or political interference.

## THE BALANCING ACT

- ACA leaders walk a thin line in allocating scarce resources to investigation and enforcement. Appearing too aggressive or too timid can lead to charges of bias and abuse of power.
- ACAs need to strike a balance between holding public officials accountable and at the same time not being unduly intrusive by just summoning people on the slightest allegation. Professionalism and high ethical standards are key to effective and efficient ACAs and will command high respect from the society that watches keenly of what the ACAs are doing.
- ACA with few resources and many potential targets seeking to undertake resource-intensive high-level investigations, especially those requiring special investigative tactics, trade-offs may be needed.
- Prudent management often calls for sober assessment of the likely costs and benefits of such investigations as well as contingency planning about potential retaliation.
- When a high-profile person is investigated or arrested, he is going to use every means to undermine the investigative organization.
- The relatively confrontational strategies of ACAs inflame antagonism, and ACAs can only manage to ride out the storm because of the thoroughness of their investigations, the strength of their organizations, and the support of their allies.
- In addition, ACAs do benefit from the presence of relatively independent media, impartial courts, and reformist political faction.
- High-visibility investigations also tend to draw extraordinary scrutiny. If ACAs made one mistake, opponents would blow it out disproportionately to the ACA's disadvantage and discredit of efforts undertaken in the fight against corruption.
- Thus, ACAs have to adhere to the law strictly. Even minor infractions could provide an opening for retaliation. However strong their investigative powers, ACAs have relatively non-confrontational options available to spotlight systemic corruption and its consequences.

## SOLIDARITY AND PARTNERSHIP AMONGST ACA HEADS

- High-visibility investigations also tend to draw extraordinary scrutiny. If ACAs made one mistake, opponents would blow it out disproportionately to the ACA's disadvantage and discredit of efforts undertaken in the fight against corruption.
- Thus, ACAs have to adhere to the law strictly. Even minor infractions could provide an opening for retaliation. However strong their investigative powers, ACAs have relatively non-confrontational options available to spotlight systemic corruption and its consequences.
- In setting a strategy to anticipate and overcome or avoid retaliation, ACA leaders must consider the capacities and constraints that shape the opportunities available to both their agencies and potential opponents. Consider:
  - What types of opponents are likely to emerge?
  - What sources of power can those opponents access?
  - What actions are most likely to provoke opponents' resistance?
  - What defences can inhibit subversion?

## QUESTIONS THAT YOU HAVE TO PONDER AND STRATEGIZE

- How independent and trustworthy are the courts, media channels, civil society, and other government institutions?
  - Is it possible to galvanize public support for the agency or for the fight against corruption, or does the character of civic engagement limit the ability to forge partnerships with the public?
  - How sensitive to public pressure are political-power holders?
  - Are there opportunities for applying international pressure to deter political interference?
  - How can systemic corruption be corrected through preventive, educational, and investigative efforts in ways that minimize the risk of retaliation?
  - Do conditions make it possible to challenge the most-powerful beneficiaries of high-level corruption successfully, and if not,
  - Are there less-provocative courses of action that would weaken such opponents in the long term?
  - The experiences of the diverse ACAs suggest an array of tactics that anti-corruption agencies can use to out manoeuvre their opponents.
- **Secure internal defences, staunch allies, and low-visibility efforts geared toward long-term corruption reduction can help an ACA survive and prosper.**
  - **In addition, ACA leaders must carefully gauge the risks and rewards of high-level investigations and lower-visibility approaches in strategic context.**

## CONCLUSION

The above are not exhaustive nor spelled out in a particular order, but provide food for thoughts if we are to seriously address the prevailing bottlenecks in the fight against corruption in Commonwealth Africa.

This forum and others are important and critical to addressing some of the identified bottlenecks in a transparent and collective fashion.

Some Political Masters have shown willingness to address some of the above and we implore them to pay a critical look at these bottlenecks and determinedly guide its resolve especially by building strong institutions that will go a long way to solve some of the identified problems in the fight against the scourge.

Our weapon is the people who are our greatest strength. Once they believe in what we stand for with zeal and integrity ACAs will withstand the storms and fire from the corrupt and make a difference.

**I thank again the organizers, the Commonwealth Secretariat and our host for inviting me to share with you some of my experience on the issues that I think are important to be addressed in our motherland Africa.**

# Money Laundering as a Vehicle for Enhancing Corruption

Kampala, Uganda

April 2019

Eliawony J. Kisanga

## Outline

- I. Introduction
- II. Link between ML and Corruption
- III. International and Regional Efforts to Combat ML and Corruption
- IV. The Role of ESAAMLG
- V. Risk Factors
- VI. Conclusion and Recommendation

## I. Introduction

- The purpose of this presentation is to highlight how AML/CFT measures can be used to combat corruption.
- For the purposes of this presentation, the proceeds of corruption refers to the funds involved (that is, the instruments of crime), and the proceeds derived or generated from corruption offences.

## II. Link between ML and Corruption

- Corruption and money laundering are closely linked.
- Corruption offences are generally committed for the purpose of obtaining private gain.
- A substantial amount of criminal proceeds are generated from corruption offences in both the public and the private sector, and by a variety of illicit means in different forms including:
  - bribery,
  - embezzlement,
  - unlawful gift and enrichment,
  - misappropriation,
  - trading in influence,
  - abuse of functions and powers and
  - other offences.
- Corruption may facilitate money laundering.

**“After foreign exchange and the oil industry, the laundering of dirty money is the world’s third-largest business.”**

**Jeffrey Robinson, *The Laundrymen***

**How Much Is Laundered?**

**IMF ESTIMATE = 2-5% Global GDP**



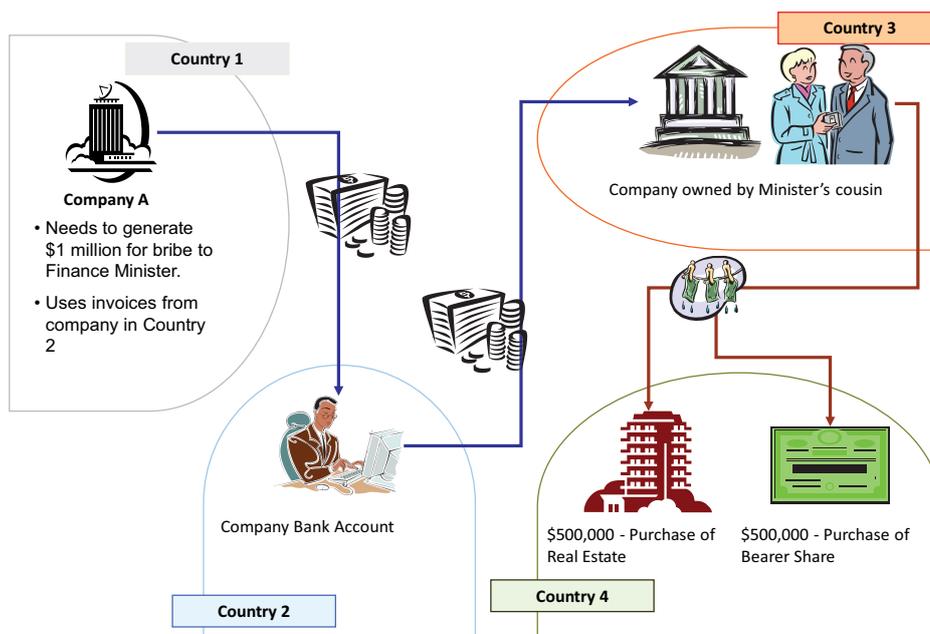
### ML and Corruption...

- There are several mechanisms through which corrupt officials and individuals can launder illicit proceeds, including:
  - the use of financial products and services and professionals such lawyers and accountants, and
  - the purchase of high value assets.

### ...ML and Corruption

- Corruption weakens the integrity and effectiveness of institutions, corroding ethical standards.
- Money laundering is a derivative offence.
- Thus, high rate of ML offense means high corruption and vice versa.
- The measures taken by countries to combat money laundering (ML) are powerful tools that are useful in the fight against corruption.
- Research has been done by IMF and FATF on the link between ML and corruption.

Simple Bribe and Money Laundering Transaction



### III. International and Regional Efforts

#### **3.1 UNCAC**

- The United Nations Convention against Corruption (UNCAC) or Merida Convention recognises the importance of fighting ML.

#### **3.2 AU Convention on Preventing and Combating Corruption (AUCPCC)**

- The general objectives of the AUCPCC have an implicit bearing on the efficacy of anti-money laundering measures.

### International Efforts...

#### **3.3 Financial Action Task Force (FATF) Recommendations**

- The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering and terrorist financing and other related threats to the integrity of the international financial system.
- The FATF has developed a series of Recommendations (the FATF Recommendations).
- The AML/CFT standards set by the FATF Recommendations are important tools in the fight against corruption.

### ***FATF Recommendations...***

- While the focus of the FATF Recommendations is on combating ML/TF, they include specific measures which recognise corruption risks, for example, requiring:
  - countries to ratify and implement the UNCAC.
  - countries to make corruption and bribery predicate offences for money laundering,
  - countries to have mechanisms in place to recover through confiscation the proceeds of crime, and
  - financial institutions to take action to mitigate the risks posed by politically exposed persons (PEPs).

### ***FATF Recommendations...***

- While anti-corruption efforts could be assisted by all of the AML/CFT measures set forth in the FATF Recommendations, or a combination of those measures, of particular usefulness are the Recommendations related to:
  - understanding national risks and coordination (Recs 1-2);
  - preventive measures and record keeping, including customer due diligence and PEPs (Recs. 9-23);
  - accessing basic and ultimate beneficial ownership information (Recs. 24-25)
  - detection, investigation, prosecution, and confiscation (Recs. 3, 4, 30, 31); and
  - international coordination and cooperation (Recs.36-40).

## **FATF Recommendations...**

- While typology studies and guidance on a range of FATF Recommendations may be relevant for anti-corruption efforts, the following documents from the FATF are particularly focused on the fight against corruption:
  - **A Reference Guide and Information Note on the use of the FATF Recommendations to support the fight against Corruption (the Corruption Information Note):** Originally published in 2010 and updated in 2012, the Corruption Information Note was published for the general public on how to leverage AML/CFT measures in the fight against corruption.
  - **Guidance on Politically Exposed Persons (Recommendations 12 and 22)(2013):** This guidance paper was developed to assist countries and the private sector in the development and implementation of measures to implement Recommendations 12 and 22 on PEPs.
  - **Specific Risk Factors in Laundering the Proceeds of Corruption: Assistance to Reporting Entities (2012):** This report provides assistance to financial institutions and designated non-financial businesses and profession (DNFBPs) to better analyse and understand the specific risk factors associated with laundering the proceeds of corruption.
  - **Laundering the Proceeds of Corruption (2011):** This report analyses typologies used to launder the proceeds of corruption through an analysis of cases from a practitioner's perspective to assist in the understanding of money laundering techniques used.
  - **Best Practice Paper on the Use of the FATF Recommendations to Combat Corruption:** provides guidance and best practices to policy makers and practitioners on how AML/CFT measures can be used to combat corruption, by building on the body of work that already exists.

•These reports are available at [www.fatf-gafi.org](http://www.fatf-gafi.org) .

### **IV. The Role of ESAAMLG and other FSRBs in Tackling Corruption and ML in Africa**

- The Eastern and Southern Africa Anti Money Laundering Group (ESAAMLG) is an Intergovernmental Organization with eighteen (18) member countries and also includes a number of regional and international observers.



### **The Role of ESAAMLG...**

- **Typologies Work**
  - ESAAMLG and other FSRBs undertake in-depth studies on methods, trends and techniques of money laundering and financing of terrorism and proliferation.
  - ESAAMLG undertook typologies studies on ML/TF through Corruption in the ESAAMLG Region.
  - It is currently undertaking another typology study on Corruption in Public Procurement and Associated ML in the ESAAMLG Region.
  - This would assist countries to be aware of corruption and illicit financial flows in the region.

#### Case Study

In one member country, a parliamentary committee investigating grand corruption and possible money laundering found that pressure had been exerted on a senior government official who was determined to investigate the case to dissuade him from the investigation. The committee found that the pressure escalated from gentle persuasion to death threats, and that it emanated from a number of government ministers.

The case highlighted how funds can be siphoned from the national treasury by means of contracts that appear legitimate. 18 contracts for the supply of various goods and services to state departments were involved. Each contract was structured in such a way that there was a company that would provide financing to government to enable it to pay for the contract, and a second company to supply the commodities or services ordered.

The financing mechanism was a deliberate means of creating public debt to finance the contracts. The contracts would not be financed from annual appropriations. Annual appropriations were perceived to be potentially fraught with problems, in that the funds provided might be inadequate, and/or their expenditure would be subject to direct parliamentary scrutiny, through the Controller and Auditor General. Public debt, on the other hand, was wholly controlled by the treasury, attracted much less scrutiny, and would enable the contracts to be paid for over a number of years directly from the Consolidated Fund.

Witnesses from the central Bank testified that once the Treasury entered into these contracts, the Bank would put in place standing orders in favour of the supplier, who would receive these as and when they fell due. Neither the Bank nor the Treasury would be concerned as to whether the supplier was performing its part of the contracts as a pre-condition to the payments. Fortunately the scheme failed when it was discovered and the contracts were cancelled.

## V. RISK FACTORS RELEVANT TO CORRUPTION

- Corrupt officials usually disguise their ownership of funds derived from corruption.
- The risk of misuse of legal persons or arrangements to launder the proceeds.
- Risks arise from ‘gatekeepers’.
- the *physical movement of cash*.
- A corrupt PEP may have the means and resources.
- FIUs and law enforcement agencies whose operational independence and autonomy are affected.

### The Role of ESAAMLG...

- **Mutual Evaluation system**
  - ESAAMLG member countries undergo Mutual Evaluation using the FATF methodology.
  - There is also a follow up process of countries which underwent the Mutual Evaluation.
  - The assessment process involves determination of the effectiveness of countries’ AML/CFT system including AC efforts.

## What are some of the Challenges?

- Developing political will at senior levels of government.
- Tighter AML can be costly and reduce resources from other needs.
- Building capacity in developing countries for investigation and prosecution.
- Knowing your client is not always easy. Knowing your client's client is difficult to impossible.
- Coordination among countries' law enforcement, financial intelligence units, regulators, and judiciaries.
- Application of AML regime in a cash based economy.

## Conclusion and Recommendation

- As noted in this presentation, efforts to combat ML and corruption are intrinsically linked and have the potential to be mutually reinforcing.
- Robust AML/CFT regimes are an important pillar of the international regulatory and supervisory system.
- Equally, strong anti-corruption regimes are essential to protect societies against this plague.
- However, the commitment and ongoing collaboration of all stakeholders involved is required to achieve this objective.

## Examples Of What Countries Can Do?

1. Enact and implement AML regime including creating "Financial Intelligence Units", suspicious transaction reporting, enhanced due diligence on financial transactions regarding "politically exposed persons" and civil/criminal forfeiture.
2. Build clear and efficient internal mechanisms to share information by and between regulators and law enforcement agencies.
3. Join regional anti-money laundering group to help enhance regional and international cooperation opportunities.
4. Build capacity of investigators, prosecutors and judges to handle financial investigations.

## Conclusion and Recommendation

- The challenge will be to look for synergies among the standards and in their implementation to reduce costs, maximize effectiveness and focus on the areas that matter most for individual jurisdictions, namely those at greater money laundering risk.
- To facilitate communication and co-ordination between AML/CFT agencies, some countries have established multi-agency standing committees, technical-level teams, or other mechanisms to ensure that agencies work towards the same national strategy.
- Thus, the key to unlock the incestuous relationship between corruption and money laundering thus rests primarily on integrating more effectively and more efficiently the AML and anti-corruption regimes through a truly multidisciplinary approach.



## TANZANIA COUNTRY PAPER - 2019

**PRESENTED BY:**

BRIG. GEN JOHN MBUNGO – PCCB DEPUTY DIRECTOR GENERAL  
TO THE COMMONWEALTH REGIONAL CONFERENCE AND  
REVIEW MEETING OF HEADS OF ANTI CORRUPTION AGENCIES IN AFRICA,  
KAMPALA - UGANDA  
MAY, 2019

## SCOPE OF PRESENTATION

- INTRODUCTION AND BACKGROUND
- INNOVATIVE WORK IMPLEMENTED
- MAIN CHALLENGES FACED
- RESULTS OF THE INNOVATION
- REFLECTION AND LESSON LEARNT
- RECOMMENDATIONS

## INTRODUCTION AND BACKGROUND

- The government of Tanzania continues to collaborate with stakeholders in putting in place strategies, legislative and administrative measures to manage corruption in government systems and in the country as a whole.
- Article 9(h) of the Constitution of the United Republic of Tanzania insists that the state authority and all its agencies are obliged to direct its anticorruption drive towards eradication of all forms of corruption such as bribery and embezzlement.

## INTRODUCTION...

- In our country we have introduced the National Anti-Corruption Strategy and Action Plans (NACSAP). These are **blue prints** designed to Marshall various efforts within the Government set up and addresses corruption head on.
- NACSAP I (2001 - 2005)
- NACSAP II (2006 - 2011)
- NACSAP III (2017 - 2022)

NACSAP III is focused on decentralized approach; it has strengthened Monitoring and Evaluation Frame Works and it involves a broader domain of key stakeholders.

## INTRODUCTION...

- In order to ensure corruption and other mal-administration have no place in our society, the government streamlined the judicial system by introducing a special division of the High Court that caters for high profile Corruption Cases.

## INNOVATIVE WORK IMPLEMENTED (2018/2019)

- PCCB spearheads the fight against corruption in Tanzania and it performs its functions using three prong approach namely; **community education** (public awareness); prevention through applied research and control; **detection, investigation and prosecution.**
- PCCB has offices in all Regions and Districts in the country, its services are accessed by the public at all levels up to the grass roots.

## INNOVATIVE WORK...

The financial year 2018/2019 PCCB records the following:-

### • 2.1 Community Education

PCCB run various Community Education programmes against corruption for members of the public with the sole aim of making every citizen abhor all practices of corruption, so that the citizens become partisans in the campaigns against corruption. The **focus for 2018/2019** is to continue with provision of more awareness about the vice of corruption.

## INNOVATIVE WORK ...

- So far the following activities have been accomplished:- 2,586 seminars; 2,918 public talks and meetings; 131 Press Releases; 329 Radio and TV programs and participated in 289 exhibitions.
- By recognizing the potentials in the youth and their contribution in the fight against corruption, PCCB not only introduced Anti-Corruption Clubs in primary schools, secondary schools and higher learning institutions but also reach out to youth in the informal sector. We conduct debates, songs, poems, cartoon drawings and drama.

## INNOVATIVE WORK...

- **Film on Integrity - 'Bahasha'**
- In the year 2018 PCCB in collaboration with Swiss Embassy launched an anti corruption film known as 'BAHASHA'. Bahasha is a common Swahili word which means - an envelope; Bahasha is normally used to carry letters but for the corrupt, the word BAHASHA refers to bribery.
- So this year (2019), PCCB is taking an advantage of joining the 'UHURU TORCH RACE' - MBIO ZA MWENGE WA UHURU which will pass through each and every region, district, village, and ward and use these forums to educate the citizens through Bahasha film. As per tradition this National Symbol of Tanzania is taken to each region, district and village.

## INNOVATIVE WORK...

- **2.2 Research and Control**
- In the year 2018/19, the Bureau through the Directorate of Research and Control executed this important function through various research projects, systems analyses and tracking the use of public funds allocated in various development projects.
- During the said period, PCCB conducted **three** research projects in areas of revenue collection and administration of the local government authorities. Specifically, the Bureau examined:

## INNOVATIVE WORK...

- The efficacy of the use of *Electronic Fiscal Devices* (EFDs) in enhancing Taxpayers' Compliance,
- Corruption loopholes in the execution of Outsourcing Policy in the Local Government Authorities and
- Corruption risks in the Issuance of Passports in Dar-es-Salaam Region.
- These studies employed both quantitative and qualitative methods. And the findings revealed that, despite the presence of legal, policy and institutional reform, corruption remains one of the serious impediments to development.

## INNOVATIVE WORK...

In particular, these studies, inter alia, found that corruption was mainly caused by human greed, deliberate violation of various rules, regulations and procedures, budgetary constraint, excessive bureaucracy, shortage of human and financial resources and a deep rooted culture of impunity which is exacerbated by a negative attitude that it is impossible to prosper without bribing or being bribed.

## INNOVATIVE WORK...

### Stakeholders' Workshops

- PCCB has launched stakeholders' workshops in the preparation for the upcoming Local Government Election to be held in November, 2019 and General Elections in 2020. The main agenda is to engage and educate the public on the consequences of having a corrupt leader and how to fight corruption during elections.
- Action Plan has been issued to all stakeholders so as to make sure that each one of them participates in making sure that the Local Government Election is free of corruption.

## INNOVATIVE WORK...

- **Public Expenditure Tracking Surveys (PETS)**
- In the year 2018/2019, the Bureau continued to exercise its mandate by tracking the use of public funds allocated to various development projects. The purpose of PETS is to monitor the flow of money from the treasury down to the final service delivery point (Following the money).
- PETS seeks to determine if in the process of project implementation, there is any leakage of funds, (i) what could be the source of that leakage (ii) whether or not, there was any delay and what could be the cause of that delay (iii) whether or not the public money released from the treasury reached the intended beneficiaries and was used for the intended purpose or for which it was meant (iv) to determine whether projects' value for money is attained.

## INNOVATIVE WORK...

- In the year 2017/18, the Bureau tracked a total of **63** development projects, worth **TShs. 32.8 Billion** (More than 14,000 USD).
- Findings have revealed that more than **5.4 Billion Shillings (USD 2,380)** were mismanaged and in most projects implementations - citizens were not adequately involved in planning, designing and implementation of the development projects.

## INNOVATIVE WORK...

### Investigations

- In 2018/2019 PCCB received **8,724** allegations of corruption making a significant increase of 1,272 allegations compared to the previous year. This is due to the increased PCCB effort to create public awareness on matters of corruption and presence of political will to combat Corruption.
- Out of the 8,724 allegations received:
  - 906 investigations were completed.
  - The allegations emanated from Tax avoidance, improper payments, Misappropriation and Embezzlement of government funds.
  - 495 new cases were instituted in various courts of law. This is 54.4% with an increase of 60 cases as compared to 2017/2018.

## INNOVATIVE WORK...

### Launching of a Special Division of the High Court for Corruption Cases:

- The Government of Tanzania has introduced a special division in a High Court to deal with high profile corruption cases so as to send clear message to the public that no one goes Scot free or can commit corruption offences with impunity.
- With this new development therefore the Prevention and Combating of Corruption Act is in the process of being amended to suit the current needs.

## INNOVATIVE WORK...

**Asset Tracing and Recovery**, the oversight institutions that deal with corruption such as Anti-Corruption Institution, DPP and Police have both established Asset and Recovery Units. Moreover, the Proceeds of Crime Act (POCA) was amended in 2012 to provide room for forfeiture of proceeds of crime.

## MAIN CHALLENGES FACED

Despite the mentioned achievements above, the PCCB still encounters the following challenges:-

- **Budget constraints**  
Anti Corruption Campaigns require adequate investment so that they become result oriented. The timely, planned, reliable and adequate resources for the capacity development and improvement of its operations and fulfillment of any anti corruption agency is a *sine qua non* requirement.

## RESULTS OF THE INNOVATION

- **Call Center:** The amount of information has increased; number of issues has been solved within a short period of time and with no costs from the reports or informers.
- **Use of Forensic Laboratory,** it has helped to quicken the process of getting evidence from culprits' phones, computers and other devices.
- **Special Division for Corruption Cases**  
It has increased citizens' trust to PCCB that we are dealing with BIG FISH since we have managed to open 4 grand corruption cases.

## RESULTS ...

- **Public Expenditure Tracking Systems (PETS).** Through public expenditure tracking surveys, the Bureau has managed to recover TShs 625,675,280.85 (USD 275,628).
- We have launched investigation for **81 projects;** and have recommended disciplinary actions to be taken against officers involved in **14 projects.**
- **Asset Tracing and Recovery**  
We have managed to recover plots and other assets worth 480 Million Tshs.

## REFLECTION AND LESSON LEARNT

### Political will of the President

- Political leadership and commitment to fight corruption at the highest levels is one of the most important preconditions
- In Tanzania, the President of the United Republic of Tanzania His Excellency Dkt. John Pombe Magufuli has positively demonstrated a political will in the fight against corruption due to his bold decisions against corrupt individuals especially the high level officials.

## RECOMMENDATIONS

### POLITICAL WILL

- Fighting corruption in a sustained manner requires a consistent demonstration of genuine commitment on the part of the top political elite towards the eradication of the menace.
- There is a need for African leaders to show demonstrable willingness to fight corruption and make it intolerable within public and private sector.

## RECOMMENDATIONS ...

### REGULAR REVIEWS OF LAWS AND REFORM PROGRAMS

- In reality, Africa should not be struggling financially given its rich resources.
- For sustainable fighting against corruption; putting in place mechanism for regular review of legal and policy framework in key sectors will act as a stepping stone in fighting corruption in the region.

## RECOMMENDATIONS ...

### HOMEGROWN INDICATORS

- I encouraged African states to develop their own home grown corruption indicators that will be tailor made specifically for African countries. This holistic local approach will give more 'precise or realistic' measure of the state of corruption in comparison to the International Measurements.

#### THEME:

**TIME TO ACT: PREVENT CORRUPTION FOR SUSTAINABLE DEVELOPMENT**



## PREVENTION: A SILENT ANTI CORRUPTION WEAPON IN ACHIEVING SUSTAINABLE DEVELOPMENT GOALS

BY

IRENE K MUYAGONJA

INSPECTOR GENERAL OF GOVERNMENT

UGANDA

### PRESENTATION OUTLINE

- a) Snapshot of SDGs
- b) Uganda's preventive strategies of anti corruption
- c) TAAC in Uganda
- d) Way forward
- e) Conclusion



### SNAPSHOT OF SDGs

- SDGs were adopted in September 2015 to promote prosperity while protecting the planet.
- They were designed to achieve overall Development plans, reduce future economic, environmental and social costs, strengthen economic competitiveness and reduce poverty.
- Importance of Anti corruption agencies is exclusively highlighted in SDG 16.

Key highlights include;

- SDG16.4 – By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- 16.5 – Substantially reduce corruption and bribery in all their forms
- 16.6 – Develop effective, accountable and transparent institutions at all levels.
- 16.7 – Ensure responsive, inclusive, participatory and representative decision-making at all levels
- 16.8 – Broaden and strengthen the participation of developing countries in the institutions of global governance.

## **CORRUPTION AND SDGs**

### **Corruption affects attainment of all SDGs in different ways such as;**

1. Weakening of state institutions
2. Causing insecurity through mistrust of leaders by the population
3. Denial of basic services such as proper education and healthcare
4. Reducing employment opportunities
5. Breakdown of countries' financial systems

### **PREVENTION AS A SILENT TOOL OF ANTI-CORRUPTION**

- A comprehensive and multi-disciplinary approach which involves all members of society like communities, Government as well as CSOs.
- Focuses mainly at avoiding corruption rather than dealing with its effects altogether.
- Mainly addresses issues in real time and is more cost effective
- Approach also aims at creating awareness about the vice and involves the victims of its effects.

### **Empowering Citizens to demand accountability, through**

- ✓ Educating the Public through sensitization and awareness
- ✓ Increasing transparency in Government systems by providing information on budget and expenditure to citizens regularly

This will

- Increase responsiveness of Government Bodies
- Increase citizen participations in Government projects

### **Compliance monitoring/Inspection of on-going Government projects**

- Follow up on project implementation
- Ensure value for money
- Monitor use of funds

### **Dissemination of project information**

- Leads to increase in financial accountability. This was demonstrated in the NUSAF 2 project in Uganda
- Great way of having citizens take responsibility for ensuring projects and programs of government are implemented

### **Partnerships and collaborations**

- a. Inter-agency collaborations between state agencies through linkage of systems to make data/information comparisons
- b. Partnerships with communities – Community monitoring groups
- c. Partnerships with non-state Institutions like CSOs, Religious Institutions to provide information to the citizenry.

- d. Collaboration with media to provide information, investigate, name and shame as well being a whistle blower.
- e. Partnerships with Financial Institutions to detect illicit transactions

## **WAY FORWARD**

- Need to adopt and invest in tested interventions such as TAAC
- Preventive strategies are explicitly efficient; however it is important to have a comprehensive approach which also embraces enforcement methods like prosecution and asset recovery.

## **FOOD FOR THOUGHT...**

"The common objectives of UN Member States and partners include preventing violent conflict, building peace and security, protecting human rights and charting a path to sustainable development".

"If we are to make progress towards these priorities we need a solid foundation of trust and accountability".

*António Guterres – UN SECRETARY GENERAL*



## INSPECTORATE OF GOVERNMENT

### 9<sup>th</sup> Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Commonwealth Africa

#### Uganda Country Report

#### INSPECTOR GENERAL OF GOVERNMENT

7th May 2019

### Background

- Commitment to Fight against corruption dates back to liberation struggle.
- Point Number Seven (7) of the Ten Point Programme.
- Elimination of corruption and prevention of the misuse of power.
- First IGG appointed to head a Department in Office of the President in 1986.
- IGG to eliminate corruption and ensure protection of Human Rights. Subsequently, elevated to a Statutory Body with the enactment of the Inspectorate of Government Statute in 1988.
- The 1995 Constitution births **three** core functions namely - Anti-Corruption, Ombudsman and Enforcement of Leadership Code of conduct

### Legal Framework

- IG is established under Chapter 13 of the Constitution of the Republic of Uganda and the Inspectorate of Government Act No. **5 of 2002**.
- IG is one of the key institutions through which the Government of Uganda fulfils **Objective XXVI** of the National Objectives and Directive Principles of State Policy enshrined in the Constitution of Uganda:
  - All public offices shall be held in trust for the people.
  - All persons placed in positions of leadership and responsibility shall in their work be answerable to the people.
  - All lawful measures shall be taken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices.

#### **Mandate:**

Promoting just utilization of Public Resources

#### **Vision:**

Responsive and Accountable Public Sector

#### **Mission:**

To promote Good Governance, Accountability and the Rule of Law in Public offices

### Composition

The Inspectorate of Government, which comprises the Inspector General of Government (Justice Irene Mulyagonja Kakooza) and two Deputy Inspectors General of Government, Ms. F. Mariam Wangadya and myself wears three 'hats' in the execution of this mandate:

1. **The Ombudsman hat:** to promote and foster strict adherence to the rule of law and principles of natural justice in administration;
2. **Anti-Corruption hat:** to eliminate and foster the elimination of corruption, and
3. **Leadership Code hat:** to enforce the implementation of the Leadership Code Act.

## Strategic Plan

- Focus on five pillars
  1. Improve capacity to detect investigate and prosecute and make recoveries- Focus on high impact cases e.g. set up Directorate of Special Investigations to handle 'big cases'.
  2. Leverage ombudsman function, e.g. by setting up local handling mechanisms not to be bogged down by small cases so that staff can focus on high impact cases
  3. Automation, e.g. introduction of online declaration
  4. Strengthen organizational capacity to build an efficient performance driven culture for all employees of IG; Cu
  5. Setting up strategic partnerships, and enhancing public awareness e.g. with civil society and other Government Agencies involved in fighting corruption

## Case of Northern Uganda Social Action Fund (NUSAF)

Government of Uganda implemented the 1<sup>st</sup> phase of the Northern Uganda Social Action Fund (NUSAF1) project from 2003–2009. It was implemented in 56 districts using USD 100M borrowed from the World Bank. Project Implementation Unit Approach was used.

There were a number of challenges registered during the implementation of NUSAF

1. These included:

- ▶ **Poor Accountability**
- ▶ **Shoddy work**
- ▶ **Incomplete projects**
- ▶ **Non-existent work**

As a result of the above challenges, Government had to refund approximately USD 1.3m to World Bank at the end of the project period

## IG involvement in NUSAF

- ▶ During the design of NUSAF 2, which was also funded by the World bank to a tune of USD 100m, the IG was brought to strengthen governance issues. One of changes brought in by IG at that time was to ensure that the project was mainstreamed into the government structure.
- ▶ In addition, the Inspectorate of Government implemented the Transparency, Accountability and Anti-corruption (TAAC) sub-component of the Second Northern Uganda Social Action Fund Project (NUSAF2) **INDEPENDENTLY.**

The objective of TAAC was **“to promote good governance at all levels of project implementation”**.

In order to achieve the objective of TAAC, the Inspectorate used both preventive and enforcement measures. These were:

- ▶ Education and awareness.
- ▶ Involvement and participation of all the stakeholders and in particular citizens which enabled quick detection and quick fixing to pre-empt any wastage, leakages or diversion of project funds
- ▶ Monitoring and inspection
- ▶ Enforcement through investigation and prosecution.

NB: Enforcement was last resort.

### **Citizen Engagement**

- ▶ During the implementation of TAAC, Citizen engagement was key in ensuring transparency and accountability. Thus the Social Accountability and Community Monitoring Activity was introduced with the objective of “Empowering citizens to Monitor Government projects”. This involved training communities on:
  - ▶ How to monitor Government projects
  - ▶ How to document findings from monitoring activities
  - ▶ How and where to report corruption
- ▶ The IG collaborated with **10** Civil Society Organizations to train the community groups who included Social Accountability committees (SACs) and members of Community Monitoring Groups (CMGs). They were all volunteers and were not paid.
- ▶ Approximately 60,000 (53,500 SACs and 6,500 CMGs) citizens were empowered to provide oversight in the implementation of 10,000 subprojects in the 56 NUSAF2 Districts.
- ▶ However, 6,500 members of CMGs received targeted training and were required to report back to the Inspectorate of Government on their activities. They also received badges for identification.

### **Achievements**

As a result of the above interventions, the following achievements were registered:

1. Extent of corruption and mal-administration at Central Government, Local Government and at the community levels was greatly minimized due to increased awareness, routine monitoring and inspection which led to early detection and quick fixing of any anomalies. e.g. Some of the funds saved including but not limited to funds for **Buliisa District UGX 119million; Maracha District UGX 234million and Kumi District UGX 855million; Amudat 46million; Tororo 6million**
2. Financial accountability of up to 99.9% at the end of the project implementation was realized as a result of working with the various stakeholders closely.
3. Operational challenges were resolved expeditiously leading to timely implementation of the Sub-projects: e.g. We made contractors resume work in Kaboong, Bukedea and Lamwo Districts after our intervention.

4. Absorption rate of 100% of the Project funds.
5. Improved quality of the project output
6. Inspected and monitored over 10,000 Sub-projects.
7. Through the Social Accountability and Community Monitoring Activity, over 100,000 members of the communities were mobilised and empowered to monitor the sub-projects and to demand Accountability.
8. Value for money registered in project implementation. In Bukedea District, we discovered 6 teachers' houses roofed with iron sheet of gauge 28 instead of 26 inches.
9. Improved coordination between MDA/LGs, CSOs and IG
  - ▶ The TAAC sub-component was an example of how to mainstream Citizen Engagement in large-scale operations and this has been emulated in other social protection programs.
  - ▶ Government has pronounced, based on the above achievements, the importance of mainstreaming citizen engagement.

### **The role of IG in NUSAF 3**

- ▶ Following the successful implementation of NUSAF2, the Inspectorate of Government is currently implementing the 'Strengthening the transparency, accountability and anti-corruption' (STAAC) component of NUSAF3.
- ▶ STAAC is tailored to contribute to the Government priority for improved transparency and accountability in public service delivery as enshrined in the vision 2040, the NDP and the Accountability Sector Strategic Investment Plan (ASSIP).

### **Objective of STAAC**

- ▶ STAAC will enhance effectiveness of transparency, accountability and Anti-Corruption processes in the project areas;
- ▶ One of the key areas of intervention is Enhancing the engagement of citizens and stakeholders

### **CRETA**

Citizens and stakeholders engagement has been enhanced through "Citizen Responsibility to enhance Transparency and Accountability, CRETA"

- IV) The overall objective of the CRETA activity is 'to build the capacity of Community Monitoring Groups (CMGs) to enhance community responsibility, transparency and accountability in the implementation of the NUSAF III sub-projects and other government programs.'

Implemented through:

- Collaboration with 33 CSOs to provide training, supervision and follow up in the communities.
- Develop Social accountability tools like the Community Score Card to provide feedback on service delivery.
- Establish grievance handling mechanisms for management of grievances at all levels of project implementation and introduce a register for tracking grievances at all levels.

### **IG activities under STAAC**

- Enhancing the engagement of citizens and stakeholders cont'd
- Community Monitoring Groups (CMGs) was upgraded and expanded to the Parish level. The members of the group comprise representative at the village level. The mandate and operation includes general oversight, monitoring of activities being implemented, handling of complaints and appeals at the first instance and ensuring implementers are operating transparently. The members of the CMGs are empowered to monitor all government projects and activities. The CMGs are trained on how to monitor, how to document, management of grievances, reporting corruption among others.
- The IG will strengthen existing mechanisms for reporting corruption through SMS so that it is user friendly.
- Strengthen functionality of community level committees to support achievement of the component and project objectives



**ASSET RECOVERY NETWORK  
FOR EASTERN AFRICA – ARIN-EA**

**9<sup>th</sup> Commonwealth Regional Conference for Heads of Anti- Corruption  
Agencies in Africa.**

**Kampala, Uganda**

**Sarah Birungi  
President ARIN-EA,  
Director of Legal Affairs  
Inspectorate of Government**

## BACKGROUND

We are all aware that successfully prosecuting criminals and taking them to prison for so many years without denying them their illicitly acquired assets does not pay, there is need to hit them hard below their belts, this is by denying criminals of their illicitly acquired assets if we are to succeed in this fight against corruption.

The people engaged in crime (Corruption and Money Laundering) engage sophisticated methods that require the practitioners in the Anti-Corruption Agencies to continuously devise means of countering their schemes. It is also common knowledge that they are not safe investing/ keeping their illicitly acquired assets within their home jurisdictions, hence investing their assets in other jurisdictions.

Movement of assets can be done very quickly with a click of a button on either a computer or cell phones.

When practitioners suspect movement of assets, they engage the formal ways of following the assets so as to recover them. If it is across border they prepare MLA requests. MLA is a formal process by which jurisdictions seek and provide assistance in gathering information, intelligence and evidence for investigations/ prosecutions. On the other hand Informal/ Inter agency Networks provide official support rendered outside the context of MLA, this can be through Phone calls, Administration cooperation, face to face meetings etc.

### What is ARIN-EA?

- **A**sset **R**ecovery **I**nter-Agency **N**etwork for **E**astern **A**frica
- **ARIN-EA** was established under the East African Association of Anti-Corruption Authorities, an association that brings together the Anti-Corruption Agencies in Eastern Africa in 2013
- Member countries are: Burundi, Djibouti, Ethiopia, Kenya, Rwanda, South Sudan, Tanzania and Uganda;
- The operations of the network is guided by the statement of intent, which was updated in June 2017.
- The Secretariat is in Uganda hosted by EAAACA

### Membership

- ▶ Membership is open to States and jurisdictions in the Eastern African region.
- ▶ Each Member has three focal persons, one from an Anti-Corruption Agency, the Prosecutorial/Judicial/Law enforcement and Asset Recovery/ Forfeiture Authority (as may be relevant to each jurisdiction). There are a total number of 24 Focal Persons of ARIN-EA.
- ▶ Current Observer Members: ARIN-SA, RRAG, CARIN, ARIN-AP, ARIN-CARIB, ARIN-WA

### AIM

- ▶ The aim of ARIN-EA is to promote exchange information on individuals, companies, and assets at the international level with the intention of facilitating the pursuit and recovery of proceeds of unlawful activities and to deprive criminals of their illicit profits.

Through these informal international networks of practitioners and experts, requests for transnational cooperation are channelled to relevant domestic agencies directly, leading to expeditious asset tracing and recovery.

- ▶ ARIN-EA promotes cooperation at the national, regional and international level as well as other fora, with relevant partners.

## Legal Framework

Asset recovery among the ARIN-EA member states is governed by the following legal framework:

**UGANDA:** Common law Recovery process: Conviction based

**KENYA:** Common law; Non & Conviction based

**TANZANIA:** Common law process: Conviction & Non conviction based

**BURUNDI:** Civil law process: Conviction Based

**ETHIOPIA:** Civil law process: Conviction & Non conviction

**DJIBOUTI:** Civil law; codified based on Islamic and customary laws process

**SOUTH SUDAN:** Statutory and Customary laws processes Conviction based

**RWANDA:** Civil & common laws: Conviction based process

## Importance of legal framework

- Information exchanged through networks helps practitioners in different jurisdictions to initiate legal processes (MLA) to secure the tainted assets to avoid dissipation, movement, or destruction. (Provide the proper foundation for an MLA request)
- Given that assets can be hidden or moved out of reach in a short period of time and that an investigation, prosecution and confiscation can take time (offering a target ample time to move or dissipate assets), it is critical that interim measures (restraint orders) are taken to secure the assets
- Informal Networks like ARIN-EA accord each other assistance in their efforts in sharing information informally, to enable the tracing, recovery and repatriation of stolen assets, both within the Eastern Africa Region and internationally
- However, for this to be done successfully there is need to build trust amongst practitioners, have secure/trusted ways of exchanging information and put in place mechanisms of exchanging information.
- More rapid identification of assets.

## Achievements on Recoveries

- Colossal Sums of money have been recovered as a result of information exchanged through the Network. For example in Kenya in 2017 over USD 15m was recovered.
- Supported each other within the region to carry out investigations
- Provided information to other jurisdictions outside the region while carrying out investigations

- Training and building capacity of focal persons in Asset tracing, identification and MLA. (GIZ, Star Initiative and Interpol supported the network a lot)
- Final stages of developing Mutual Legal assistance guidelines for ARIN-EA (Star Initiative and GIZ helping us)
- Setting up in-country structures in each of the member states with the relevant agencies in the fight against corruption
- Final stages of building a website that will have a secure information exchange platform

### **Best Practices**

- Use of assets recovered to deliver services. The Ethics and Anti-Corruption Commission (EACC) of Kenya, used the recovered Kshs 70m (US \$ 70,000) to purchase ambulances which were distributed to health centres in the country. The function was officiated by the President.
- In Tanzania, the Prevention and Combating Corruption Bureau (PCCB) confiscated cars and buildings and they are considering using them for the anti-corruption authority given that they have limited resources.

### **Aspirations**

- Solicit for funding, using the Strategic Plan
- Carry out a typology study of common offences within the region.
- Organise cross border interventions through sensitising the communities
- Identify more partners to collaborate with in the area of asset recovery.

### **Challenges**

- The legal framework which provides for Conviction based asset recovery in some of the member states countries. Efforts are underway to have non-conviction based system.
- Inadequate financing
- Delays in getting information requested from other networks

## **Winning the Fight against Corruption for Sustainable Development: A Practitioner's View and Way Forward**

**By**

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*Presented during the 9<sup>th</sup> Commonwealth Regional Conference for Heads of Anti-Corruption Agencies in Africa, Held in Lake Victoria Serena Golf Resort & Spa, Kigo, Kampala, Uganda from 5<sup>th</sup> to 11<sup>th</sup> May, 2019 Theme: Time to Act: Prevent Corruption for Sustainable Development*

----- Date of Presentation :6<sup>th</sup> May, 2019 -----

## **WINNING THE FIGHT AGAINST CORRUPTION FOR SUSTAINABLE DEVELOPMENT: A PRACTITIONER'S VIEW AND WAY FORWARD**

### **Abstract**

Sustainable development is premised on the three pillars of economic, environmental and social; which implies that for the attainment of global sustainable development, there should be a systematic integration of strategies so as to economically exploit the environment and the people to increase wealth and improve the standard of living; in a way that maintains the ability of the resources to cater for our future generations. Constraints against sustainable development must be identified and addressed, as part of the strategies. Corruption is seen as an existential threat which permeates and adversely affects all the three pillars of sustainable development. Therefore, tackling corruption must be taken as a priority for all governments. However, in order for the anti-corruption strategies to achieve this objective, they must be comprehensive, multi-disciplinary, coherent and well-coordinated in the domestic, regional and international arenas.

### **Key Terms/Concepts**

Sustainable Development – economic development that is conducted without depletion of natural resources (Online Dictionary). Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs (United Nations; World Commission on Environment and Development, 1987). The organizing principle for meeting human development goals

while at the same time sustaining the ability of natural systems to provide the natural resources and ecosystem services upon which the economy and society depend (Wikipedia)

The Sustainable Development Goals – These are a set of 17 goals formulated under the aegis of the United Nations whose overall attainment is geared towards achieving a better and more sustainable future for all.

Agenda 2030 – The global blueprint vision which aims to achieve the Sustainable Development Goals by the year 2030.

## About the Presenter



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## WINNING THE FIGHT AGAINST CORRUPTION FOR SUSTAINABLE DEVELOPMENT: A PRACTITIONER'S VIEW AND WAY FORWARD

### 1.0 INTRODUCTION

Sustainable development has been given a wide array of definitions. However, it is generally defined as development that meets the needs of the present, without compromising the ability of future generations to meet their own needs. In a nutshell, it envisages exploiting earth's resources for the advancement of the wellbeing of the present generation, but at the same time taking into account the needs of future generations to advance their wellbeing using the same resources. Sustainable development has three key pillars, economic, social and environmental. Each of the pillars requires various strategies in order to mainstream their respective contribution towards sustainable development.

The economic pillar hinges on the total sum of commercial activities which man engages in to increase wealth and raising the standard of living. As countries strive towards economic development, their activities put a strain on the environment. These take the form of deforestation, land degradation, soil erosion, air and water pollution which may at times exceed the value benefit of increasing people's or a country's wealth. The scope of environment is broad, extending to all flora and fauna, and the conditions in which they exist. The social pillar encompasses ideas such as social equity, livability, health equity, community development, social capital, social support, human rights, labour rights, social responsibility, social justice, cultural competence, community resilience, and human adaptation. The United Nations Global Compact looks at the social pillar from four domains of economics, culture, politics and ecology.

However, anti-corruption has been identified as an overarching pre-requisite for integration under each of the three pillars. This flows from the fact that corruption negatively affects all the three key pillars of sustainable development. It is however posited that anti-corruption efforts by individual governments, though important, may not achieve sustainable development unless a global perspective is implemented. A global approach in the fight against corruption will harness the

national strategies in a manner that is coherent and well-coordinated so that gains are realized at the national, regional and international levels. Furthermore, a global perspective will ensure that no country or region is left behind in implementation of the proposed strategies. As the slogan for UN Global Compact states, “everyone benefits from a better world”.

This Paper seeks to establish the nexus between corruption and sustainable development, and proposes anti-corruption strategies which can be employed towards achieving sustainable development. The proposals emanate from a point of view by an experienced practitioner who has been involved in anti-corruption policy formulation as well as operational implementation.

## 2.0 NEXUS BETWEEN CORRUPTION AND SUSTAINABLE DEVELOPMENT: HOW CORRUPTION ADVERSELY AFFECTS REALIZATION OF SUSTAINABLE DEVELOPMENT

Corruption has been referred to as “the thief of economic and social development, stealing the opportunities of ordinary people to progress and to prosper”.<sup>1</sup> It is a key obstacle to progress and prosperity, hurting poor people more disproportionately. A number of studies and researches have demonstrated the negative correlation between corruption and social-economic development factors such as quality of life, government spending, government services, etc. it is estimated that corruption, bribery, theft and tax evasion costs approximately 1.25 trillion dollars for developing countries per year.<sup>2</sup> Corruption leads to a myriad of undesired effects and consequences that hamper sustainable development, which include the following:-

### 2.1 Weak Institutions

Corruption integrates into elective and appointment processes, by which leaders are chosen or elected to lead nations and institutions, and this leads to undemocratic and inefficient governance systems and perverted rule of law. The importance of strong institutions in maintaining law and order cannot be gainsaid. Indeed, this has been recognized in the 17 Sustainable Development Goals (SDGs) which were agreed upon by United Nations Member States under the 2030 Agenda for Sustainable Development.<sup>3</sup> Goal 16 requires member states to commit to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Strong and accountable institutions are important for maintenance of law and order, and enforcement of rights and obligations; which are the primary conditions to spur sustainable economic development. Institutions promote the creation and maintenance of an orderly process by which decisions are made, disputes are resolved, and power is transferred from one group to another.

### 2.2 Insecurity

Corruption is widely recognized as a global threat to peace and security. Corruption is not limited to region, culture or state of development. The problem of insecurity and emergence of other transnational crimes such as terrorism, corruption, money

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1 Yury Fedotov, Executive Director of the UNODC, during the 5<sup>th</sup> Session in Panama City, 2013.

2 UNODC and World Bank estimates, (<https://www.unodc.org/unodc/en/frontpage/2012/July/ecosoc-meeting-on-accountability-and-integrity-for-sustainable-development.html?ref=fs6>)

3 On 25 September 2015, Member States of the United Nations adopted ‘Transforming our World: the 2030 Agenda for Sustainable Development,’ and with it 17 Sustainable Development Goals (SDGs). The 2030 Agenda for Sustainable Development is intended as “a plan of action for people, planet and prosperity that seeks to strengthen universal peace in larger freedom.”

laundering and cybercrimes is a major concern globally. Kimberly Thacuk states that the global war on terrorism has made policy analysts the world over re-think the implications of corruption for the peaceful existence of states. Corruption has become the enabler by which groups who commit conspiracies on a global scale may threaten international security with relative impunity.<sup>4</sup>

There are many ways through which corruption affects security. Mainly, it arises where corrupt networks penetrate and compromise security agencies. Compromised criminal justice systems are unable to detect and prosecute criminals, and tend to lead to a breakdown in society. Law enforcement agencies can be compromised to provide information on planned raids, when arrests will occur, and how investigations will proceed. Prosecutors may be bribed not to prosecute, judges not to convict, and penal officials not to detain criminals. Criminal and terrorist groups depend on unimpeded cross-border movements, and so border guards, customs officers, and immigration personnel are notable targets of corruption.<sup>5</sup> By depriving state of resources and by misallocating them, corruption weakens the ability of the state to provide key public services, including security. This can directly weaken the capacity of security services.

Corruption does not only pose threats alone, it combines with other risk factors, such as ethnic, religious, or linguistic rifts in a population or severe economic disparities, to increase the likelihood of a security challenge.

### 2.3 Less Prosperity

Corruption stifles economic growth and innovation. It discourages direct foreign investments as it breeds distorted competition and high cost of doing business. Corruption deteriorates the efficiency of the public sector, as in situations where corrupt public officials show favoritism towards companies or contractors who are willing to pay kickbacks over those which qualify on the merits. Corrupt public officials who have a discretion over allocation of resources such as incentives for economic ventures, will invariably misallocate such investments towards sectors where they expect to receive the highest amounts of bribes or kickbacks. Public officials may purposely delay their processes in order to elicit bribes from the sector players. Corruption pushes business into unofficial sectors, where transactions are more costly and uncertain.

### 2.4 Lack of Basic Services

Corruption is a major hindrance on provision of essential services, such as health care, education, water, sanitation and housing. Funds meant for such services end up being stolen and put to private use by corrupt individuals. Backroom deals hinder public service delivery, as citizens are denied access to basic services in preference to those that can pay for them.

Corruption invariably leads to, or contributes to high prices for consumers, since there is less investment as the cost of doing business is very high due to corruption. The fewer goods hitting the market become highly inflated. There is loss of tax revenue as corruption fosters tax evasions. Inferior public infrastructure which hinders the good

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4 Corruption and International Security; Thachuk, Kimberley. The SAIS Review of International Affairs; Winter 2005; 25, 1; ProQuest

5 Corruption: The Unrecognized Threat to International Security. Sarah Chayes, The Carnegie Endowment for International Peace. (<https://carnegieendowment.org/2014/06/06/corruption-unrecognized-threat-to-international-security-pub-55791>)

flow of business as systems are broken down with substandard materials being used for public amenities.

## 2.5 Corruption Stifles Democracy

As a result of corruption, the democracy of a country gets eroded. People no longer elect leaders because of their long-standing records or because of what they can do for the community. On the contrary, during the electioneering corruption is seen to thrive the most. Corrupt seekers of elective positions dish out money and other incentives to buy votes from the people. In some cases, voter identification documents are confiscated to stifle turn out in areas perceived as opposed to the corrupt candidate.

Bertrand Venard, in his Paper titled "*Can Corruption Kill Democracy?*" draws a correlation between democracy and corruption, relying on the Corruption Perception Index published annually by Transparency International.<sup>6</sup> The rankings in the indexes show that highly democratic countries tend to have low levels of corruption. Conversely, countries where democratic space is curtailed or limited score poorly in the ranking.

## 2.6 Denial of Human Rights

Corruption is a critical factor that contributes to the violation of rights by facilitating, serving or creating an environment in which the violation takes place.<sup>7</sup> The nexus between corruption and human rights has lately elicited serious research and examination. The thrust of such initiatives is that corruption deprives the state of capacity to meet its obligations to respect, protect and fulfil the human rights of its citizenry. Indeed corruption causes massive violation of human rights.<sup>8</sup> In addition, there is a likelihood of human rights abuses in a country with higher levels of corruption.

## 2.7 Unemployment

Corruption represents a serious deterioration of the institutions necessary for the proper functioning of an economy, a significant obstacle for job creation and for the promotion of social equality.<sup>9</sup> Corruption negatively affects growth of the economy by derailing the development of industries, which would bridge the unemployment gap in a country.

Corrupt practices within government institutions that encourage the payment of bribes to access job opportunities contribute to reducing the efficiency of the labor force. The resources are diverted from the most productive economic sectors toward those usually less efficient economic sectors where self-motivated officials have more discretionary power in selecting the candidates who are less qualified for the job.<sup>10</sup>

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6 Can corruption kill democracy? Bertrand Venard, professor at Audencia (France) and the University Of Oxford (UK) January 29, 2019. (<http://theconversation.com/can-corruption-kill-democracy-110637>)

7 Kannokkan Anukansai, "Corruption: The Catalyst for Violation of Human Rights".

8 Nihal Jawawickrama, "Corruption – A Violation of Human Rights?"

9 Corruption as a cause of unemployment. Moisés Martín Carretero, The Economy Journal, *Writing from the perspective of Spain*, (<https://www.theeconomyjournal.eu/texto-diario/mostrar/1126967/corruption-as-cause-of-unemployment>)

10 Dynamic Relationship between Corruption and Youth Unemployment: Empirical Evidences from a System GMM Approach. Bechir N. Bouzid; World Bank Group eLibrary Journal; Published: September 2016. (<https://doi.org/10.1596/1813-9450-7842>)

## 2.8 Environmental Degradation

Corruption manifests in many ways in matters concerning the environment. Many countries, especially the developing ones which are blessed with natural environmental resources, are grappling with the detrimental effects of the vice on the environment. Malpractices caused by or enabled through corruption include illegal logging, characterized mostly by logging of timber species protected by law and extracting more timber than authorized, leading to deforestation which in turn leads to floods, landslides, and forest fires. Poaching of wildlife for their trophies, over fishing and harvesting of prohibited plants are also facilitated through corruption.<sup>11</sup>

## 2.9 Decay in Moral Values

There are a number of researches which have demonstrated a linear correlation between corruption and the erosion of moral/societal values. An interesting reading on this aspect is given by a Nigerian writer Jorji A. Nwogu in the article "*The Impact of Corruption on Economic Growth and Cultural Values in Nigeria: A Need for Value Re-orientation*" where he states that the level of corruption in Nigeria, where it is deeply ingrained in the national ethics, politics, civil society, public and private sectors and has been permeated by a pervasive and debilitating culture to an extent it is now regarded as institutionalized; the societal cultural values have decayed.<sup>12</sup> Many countries in Africa identify with this situation. Another author puts it in simple terms that "*the common good of any society consists not only in its material possessions but in its shared ideals. When these ideals are betrayed, as they are betrayed when bribery is practiced, the common good, intangible though it be, suffers injury.*"<sup>13</sup>

## 3.0 RECOMMENDED ANTI-CORRUPTION STRATEGIES TOWARDS REALIZATION OF SUSTAINABLE DEVELOPMENT

This section outlines the proposed anti-corruption strategies which the author posits will significantly contribute towards attainment of sustainable development goals. As a starting point, it is the duty and obligation of every nation to remain committed to and work towards the 17 Sustainable Development Goals. These goals were adopted by world leaders in September 2015 during a UN Summit, as a global blueprint towards a sustainable world. To integrate anti-corruption in the sustainable development objective, the following strategies are paramount:-

### 3.1 Implementation of UNCAC Principles by all Member States

The United Nations Convention against Corruption is the single most comprehensive international instrument on anti-corruption. It provides for an all-encompassing strategy, covering all aspects of anti-corruption including prevention, enforcement, asset recovery and international cooperation. The Convention has attained a near universal application in the world. The principles under the Convention are time tested and tried. They incorporate international best practice on anti-corruption.

It is important for Member States of the Convention to comprehensively implement and fully comply with the requirements thereunder. It is understood that Members may not be at the same level in terms of implementation. However, the continuous

11 Leitao A (2016) Corruption and the Environment. J Socialomics 5: 173.doi: 10.41 72/2167-0358.1000173

12 Nwogu JA, Ijirshar VU (2016). The Impact of Corruption on Economic Growth and Cultural Values in Nigeria: A Need for Value Re-orientation. International Journal of Economics & Management Sciences. 6:338

13 Noonan (1984, p. 700) quoted in "The Moral Dimensions of Corruption" by Augusto Lopez-Claros, 11/24/2014 (<http://blogs.worldbank.org/futuredevelopment/moral-dimensions-corruption>)

review of implementation by individual Member States greatly enhances the compliance levels. Ultimately, the Convention establishes an important global benchmark on which to assess efficacy and efficiency of anti-corruption strategies. Its implementation establishes a global coherence of national strategies, providing a seamless implementation at the national, regional and international level.

### 3.2 International Cooperation to Fight Corruption

Closely related to UNCAC, as well as other regional anti-corruption instruments is the aspect of international cooperation in the fight against corruption. Corruption has evolved to become an international crime, which transcends national boundaries. It has become an increasingly complex and intricate crime. Offences such as tax evasion, piracy, trafficking, poaching, counterfeiting and trade in prohibited items are being perpetrated on an international scale. Proceeds from the illegal activities are now laundered across jurisdictions. These international aspects are making it very difficult for countries to be able to deal with the menace on their own. As was observed during a recent workshop for the Americas<sup>14</sup> in 2018, international cooperation is emerging as an indispensable tool for effectively combating corruption and illicit financial flows; primarily because the search for evidence to prove that an illegal act has been committed requires collaboration between different jurisdictions. This cooperation is important on areas such as locating assets abroad, mutual legal assistance and extradition. It may also involve service of, and enforcement of confiscation orders in a foreign jurisdiction, locating witnesses and recording statements for use in a prosecution for corruption.

It is encouraging to witness that there exists quite a lot of cooperation mechanism among states at the regional and international levels. There are both bilateral and multi-lateral cooperation arrangements which states have negotiated and ratified; and these are doing well in mainstreaming anti-corruption efforts regionally. However, a lot still remains to be done in this respect. International bodies such as the UNODC, World Bank Group and GIZ have also been at the forefront in shoring support to countries in their quest on in cooperation.

Robert Klitgaard observes that international cooperation in fighting corruption serves to lift the local capacities of individual countries. He postulates that some countries experience challenges fighting corruption, because of insufficient will or insufficient local capacities of several kinds. These capacities include having proper strategies and structures (including incentive structures) that would optimally inhibit corruption. Sometimes these are constrained by costs, other times by a lack of know-how, even by the fact that some countries have not yet thought hard about strategies against corruption. International cooperation can help individual countries to some degree with the will and to some degree with the capacities.<sup>15</sup>

### 3.3 Inter-Agency Cooperation, Coordination and Collaboration

It is the norm that in every country, there will invariably be a number of agencies which have concurrent and supplemental mandates in the anti-corruption process. Notable agencies include anti-corruption bodies, financial intelligence units, asset recovery and management units, police, revenue collection agencies, prosecution as well as the judiciary which ultimately adjudicates on the cases and sentences offenders. The agencies are supposed to complement one another, with the ultimate goal of upholding the rule of law in the criminal justice system. However, if every agency were

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14 8<sup>th</sup> Summit of the Americas, 2018; held in Lima, Peru on 13<sup>th</sup> and 14<sup>th</sup> April, 2018.

15 Klitgaard, Robert 1997: International Cooperation Against Corruption.

to act in silo and seek to protect their turf, their overall achievement is diminished and criminals readily exploit the situation. When they establish mechanisms for cooperation among them, various benefits are realized. These include harmonization of strategies, exploitation of core strengths by each agency, rational use of resources and avoidance of duplication. The Multi-Agency Team (MAT) framework established in Kenya in 2016 has evolved and become a regional benchmark on this aspect.<sup>16</sup>

### 3.4 Continuous Review of Anti-Corruption Laws and Policies

Corruption is a vice that keeps evolving with time. Unlike other offences, most of the perpetrators of corruption comprise the well-up and moneyed in society. Corruption cartels will therefore seek to be ahead of the law enforcement. They exploit the latest technology in their deeds, and hide their loot through complex webs that are difficult to penetrate. When apprehended, they employ the best legal minds to defend them. Above all, they will seek to compromise the authorities so as to escape facing justice. In order to defeat them the law enforcers need to be on top of the game always. This may require a thorough, consistent and periodic review and improvement of the legal and policy anti-corruption frameworks, which enables countries to patch up and seal the loopholes and weaknesses that such cartels exploit.

### 3.5 Mainstreaming the Role of Key Anti-Corruption Stakeholders

In order for anti-corruption strategies in any country to succeed, it is important to involve the people in diagnosing corrupt systems. Citizens are fertile sources of information about where corruption occurs. They can be consulted through various mechanisms such as systematic client surveys, the involvement of professional organizations, media advocacy, neighborhood watch, educational programmes, and such other means. Stakeholders play differing but complementary roles in mainstreaming corruption strategies. The main stakeholders in a county include the general public, civil society, media, professional organizations, private groups, religious leaders and development partners.

Corruption is controlled only when the citizens are no longer prepared to tolerate it. Through such representative stakeholders, the citizens have a stake in the outcome of anti-corruption initiatives and an interest in the process. They also may play an important role as watchdogs of public sector integrity. Strengthening of various sectors in and out of government simultaneously tends to spark a dynamic system of checks and balances. This is based on the assumption that civil services, as well as other state institutions, seldom renew themselves from within. Facilitating constructive "pressure points" outside the civil service or government, is therefore key in forcing the public sector to be more responsive. The identification and achievement of short-term goals known to the public, then helps to generate a momentum for change. Successful anti-corruption campaigns involve civil society. Major anti-corruption instruments such as the UNCAC contain elaborate provisions on the role of, and strategies towards involvement of stakeholders in the anti-corruption process.

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16 MAT was established in 2016, and comprises of Ethics and Anti-Corruption Commission [EACC], Office of the Director of Public Prosecutions [ODPP], Directorate of Criminal Investigations (DCI); National Intelligence Service [NIS]; Financial Reporting Centre [FRC]; Asset Recovery Agency [ARA]; and Kenya Revenue Authority [KRA]. It is coordinated by the Attorney General of the Republic of Kenya.

### 3.6 Peer to Peer Reviews on Implementation of Anti-Corruption Standards

Peer to peer reviews is one of the most commonly used methods of assessing how different countries have established their respective anti-corruption strategies. Peer review is a system of reciprocal, inter-governmental evaluations in which a state's performance is periodically assessed by experts from another state; to identify shortcomings against a set benchmark or standard and make recommendations. The United Nations Convention against Corruption has an in-built peer to peer review mechanism, through which states review each other in a reciprocal process.<sup>17</sup> Peer reviews have also been established at regional levels, where a group of countries sharing a geographical location come together to monitor their compliance with respective regional requirements and standards. Peer reviews are important in various ways. Countries are able to undertake a self-reflection, based on an independent and objective external assessment. They are also able to borrow and learn from best practices suggested by the reviewing peer or peers. At the regional level, peer evaluation helps to pile pressure and encourage compliance so as to fit within the regional grouping.

## 4.0 CONCLUSION

The global objective of attaining sustainable development goals by the year 2030 remains one of the strongest and widely accepted visions to transform the world. It is an ambitious aspiration which, if well implemented, can change for the better the way that mankind interacts with his environment and draws a living from it. The aspiration is unselfish on the current generation, in that it seeks to better itself but only with the overriding consideration of the wellness of future generations. It is a realization by man that the world he is living in today does not belong to him alone. Rather, it was inherited from past generations who made a living out of it; and it has to be bequeathed to the future generations who should also be able to make a living out of it.

In order to realize the goal, the current generation must, as a matter of urgency and priority, address the factors which have been identified as obstacles to sustainable development. One of these is corruption. All countries must come together and collaborate in efforts to fight corruption in all spheres and in all its manifestations. No single country can afford to be left behind, because a chain is as strong as its weakest link. Such strategies to address corruption should factor international best practice and standards, and must be incorporated at the national, regional and international levels. They must also be coherent and well-coordinated. This shall be a proper foundation for the pillars of sustainable development to thrive and prosper in the right direction.

## REFERENCES

1. Doig, Allan and Stephanie McIvor ; Corruption and its Control in the Development Context. Stern School of Business, New York University. Vol. 20, Issue No. 3 [1999].
2. Kato, Atsushi and Takahiro Sato ; The effect of Corruption in the Manufacturing Sector in India. [2014]
3. Bouzid, Bechir N. ; Dynamic Relationship between Corruption and Youth Unemployment: Empirical Evidences from a System GMM Approach.; World Bank Group eLibrary Journal; Published: September 2016. (<https://doi.org/10.1596/1813-9450-7842>)

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<sup>17</sup> The UNCAC Implementation Review Mechanism is premised under Chapter VII of the UNCAC.

4. Can corruption kill democracy? Bertrand Venard, professor at Audencia (France) and the University Of Oxford (UK) January 29, 2019. (<http://theconversation.com/can-corruption-kill-democracy-110637>)
5. Carretero, Moisés Martín; Corruption as a cause of unemployment, The Economy Journal, Writing from the perspective of Spain, (<https://www.theeconomyjournal.eu/texto-diario/mostrar/1126967/corruption-as-cause-of-unemployment>)
6. Corruption: A threat to sustainable development: (Presentation made at the United Nations Economic and Social Council (ECOSOC) high level meeting on 9 July 2012; under the theme "Accountability, transparency and sustainable development: Turning challenges into opportunities."(<https://news.un.org/en/audio/2012/07/574372>)
7. Corruption and Human Rights: Making the Connection, 2009. International Council on Human Rights Policy. Versoix, Switzerland. ISBN 2-940259-85-2, 119 pp.
8. Effectiveness of International Anti-Corruption Convention on Domestic Policy Changes in Latin America. Guertzovich, Florence; 2011.
9. Jeanet, S ; How Bad is Corruption: Cross Country Evidence of the Impact of Corruption on Economic Prosperity. [2012].
10. Jongen, Hortense ; 2018; The Authority of peer review among states in the global governance of corruption.
11. Anukansai, Kannokkan , "Corruption: The Catalyst for Violation of Human Rights".
12. Leitao, A ; (2016): Corruption and the Environment. J Socialomics 5: 173. doi: 10.41 72/2167-0358.1000173
13. Pooja, Mehta ; Economic Development and Sustainable Development; (<http://www.economicdiscussion.net/articles/economic-development-and-sustainable-development/2119>)
14. Jawawickrama, Nihal , "Corruption – A Violation of Human Rights?"
15. Results-Based Management and the 2030 Agenda for Sustainable Development; UNODC Handbook
16. Chayes, Sarah ; Corruption: The Unrecognized Threat to International Security. The Carnegie Endowment for International Peace. (<https://carnegieendowment.org/2014/06/06/corruption-unrecognized-threat-to-international-security-pub-55791>)
17. Significance of Strong Institutions in Governance: (WANEP Freetown, Sierra Leone)
18. Kimberley, Thachuk ; Corruption and International Security; The SAIS Review of International Affairs; Winter 2005; 25, 1; ProQuest  
  
Nwogu, JA and VU Ijirshar (2016). The Impact of Corruption on Economic Growth and Cultural Values in Nigeria: A Need for Value Re-orientation. International Journal of Economics & Management Sciences. 6:338  
  
Noonan (1984) quoted in "The Moral Dimensions of Corruption" by Augusto Lopez-Claros (<http://blogs.worldbank.org/futuredevelopment/moral-dimensions-corruption>)
19. Robert, Klitgaard 1997: International Cooperation Against Corruption.

PRESENTATION TO THE 9<sup>TH</sup> COMMONWEALTH REGIONAL  
CONFERENCE AND REVIEW MEETING OF HEADS OF  
ANTI-CORRUPTION AGENCIES IN AFRICA

**THEME:** TIME TO ACT: PREVENT CORRUPTION FOR  
SUSTAINABLE DEVELOPMENT

**VENUE:** LAKE VICTORIA SERENA GOLF RESORT AND SPA.  
KAMPALA, UGANDA

6<sup>TH</sup>–10<sup>TH</sup> MAY 2019

**PRESENTATION BY:**

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## 1.0 INTRODUCTION

Many African countries endeavour to combat corruption through enforcement of anti-corruption laws and the imposition of huge fines on the perpetrators of the vice. However, this approach has proven to be expensive as it usually involves lengthy investigations, prolonged Court processes and sometimes cross border legal processes to gather the needed evidence.

In order to try and reduce on the cost of fighting corruption, several countries have realized that it is a good practice for anti-corruption agencies to assist institutions in understanding areas that may be prone to the vice in their routine operations. This process enables entities that have been entrusted with public resources to identify corruption prone areas and operational systems with a view to come up with and implement workable solutions that would reduce the occurrence of corruption.

## 2.0 BACKGROUND

In Zambia and many other third world countries, it has been acknowledged that corruption is prevalent at points of public service delivery. Diagnostic surveys in Zambia have pointed to the fact that manipulation, fraud, misuse of public assets, conflict of interest and poor work culture are all rife in the public service (TI:2011). These findings have led to many countries seeing the need to develop and implement National Anti-Corruption Policies (NACPs) from which a country can derive specific strategies to deal with different forms of corruption both in the public and private sectors.

For Zambia, the NACP was developed and adopted in 2009. One of the major areas of focus of the Policy is the development of corruption prevention strategies that ensure efficient and effective public service delivery as well as putting in place mechanisms that seal possible loopholes in operational systems that are vulnerable to corruption. The focus of this paper will be on two major mechanisms that Zambia has embarked on. One is the establishment of Integrity Committee (ICs) in both private and public institutions and enhancement of Public Education activities countrywide.

## 3.0 INTEGRITY COMMITTEES AND THEIR OBJECTIVES

An Integrity Committee is an institutional Working Group that has the responsibility of preventing corruption from occurring within the institution's sphere of control. This calls for the IC to implement strategies that would ensure a self-cleansing process of the operational systems especially in areas that have been identified to be prone to corruption.

In Zambia, the Anti-Corruption Act No. 3 of 2012 gives mandate to the Anti-Corruption Commission (ACC) to spearhead the formation of ICs as a measure of corruption prevention in institutions. Establishment of ICs is believed to be one of the effective ways of institutionalizing the fight against corruption. In this regard, the main objective of establishing ICs in Zambia is to enhance institutional performance by making anti-corruption and the promotion of integrity the way of life in service delivery by every institution.

As at December 2018, there were 65 Integrity Committees established in various public and private entities in the country. These have instituted various corruption prevention mechanisms in their respective institutions and one such effective strategy is the implementation of **Corruption Vulnerability Assessments** (CVAs).

## 4.0 IMPLEMENTATION OF CVAs AS AN IC STRATEGY/ INNOVATION

A Corruption Vulnerability Assessment is a diagnostic tool that seeks to identify weaknesses in an institution's operational system. It is a tool that can be used to save resources. A CVA identifies opportunities that make a system vulnerable to corruption taking place. It focuses on the potential for existence or extent of corruption in an institution. The process involves evaluation of a likelihood of corruption occurring and sometimes the impact that corruption would have if it occurred (TI:2011).

In Zambia, CVAs have been conducted in several institutions since 2011. Over time, the implementation of CVAs has been able to identify potential areas for occurrence of corruption and workable solutions have been instituted to prevent the scourge and improve service delivery.

### 4.1 Results of CVAs as an IC Strategy/Innovation

The positive results of implementing CVAs in some institutions include the following:

- Decentralization and computerization of various services to decongest service delivery points and abate opportunities for corruption.
- Introduction and implementation of electronic systems for handling complaints
- Monitoring service delivery through CCTV as a means of preventing manipulation of processes and procedures by operators.
- Introduction and implementation of electronic payments for various types of bills thereby reducing opportunities for corruption which usually occur during service provision involving face-to-face interactions.
- Introduction of Procurement Integrity Pact in all procurement processes with specific emphasis to include the corruption clause in all bidding documents as a way of discouraging corrupt practices.
- Development of Institutionalized formal Gifts Policies in institutions to guide employees on how to handle gifts.

## 5.0 CHALLENGES OF IMPLEMENTING CVA IN INSTITUTIONS

Implementation of Corruption Vulnerability Assessments in the selected institutions were not without challenges. The challenges were as follows;

- Slow pace of implementation of strategies due to absence of budget lines specifically for Integrity Committee activities.
- Late or in some cases non-submission of quarterly reports by institutions to ACC thereby making it difficult to monitor progress on some CVA actions.
- Lack of legal mandate that would force institutions to incorporate anti-corruption agencies to be part of the Committees dealing with personnel recruitments, evaluations, procurements and others.
- Inadequate number of times that integrity checks on Road Construction Projects are done thereby creating opportunities for contractors to stray away from approved construction specifications.

## 6.0 PUBLIC EDUCATION ACTIVITIES AS A PREVENTION TOOL

The country has used public education activities as a way of informing various target audiences and prevent the occurrence of corruption.

- The ACC in collaboration with the Ministry of Education has developed anti-corruption content which has been incorporated into the country's educational curriculum with a view to inculcate positive moral values among those in institutions of learning.
- This enables the targeted young people to embrace values such as honesty, impartiality, respect, transparency, accountability and many other that are needed to prevent acts of corruption and promote of good governance in any country.
- The Commission working with the Ministry of Higher Education is also in the process of incorporating anti-corruption content in the tertiary education curriculum for Universities.
- The country has intensified the exercise of conducting inter-school and tertiary public debates which provide a platform for young people to uphold integrity and other moral standards through the exchange of information. The public debates also encourage young people to report any suspected acts of corruption that may occur in their institutions of learning and communities to relevant authorities, a measure that has contributed to the prevention of corrupt practices.
- Lectures and talks are also conducted in both private and public institutions, interest groups, community based organisations and international organisations operating in Zambia. These talks are aimed at equipping the target audiences with information that is crucial for combating corruption in the country. The Commission also publicizes the toll-free line and other mechanisms of making a report during lectures and talks.

## 7.0 LESSONS LEARNT AND RECOMMENDATIONS

The lessons include that;

- Automation and computerization of services to the public improves efficiency and customer satisfaction.
- Public resources that are saved from potential acts of theft and fraud as a result of implementing corruption prevention strategies can be used in other avenues of national development such as education, health and housing.
- There is need for institutional commitment by Chief Executives for recommendations derived from CVAs to be implemented and fully supported.
- The Anti-Corruption agency needs more legal powers to force MDAs to implement and monitor outcomes of CVAs in order to promote transparency, accountability and integrity for national development that can be sustained.
- There is need for more public services to be automated in order to prevent corruption occurrence at points of service delivery such as paying of fines for traffic offences.

## 8.0 COUNTRY VISITS IN 2018

In 2018 officers of Anti-Corruption Commission Zambia visited the following countries:

- **Senegal** – Director-General and Director for Investigations for a conference for African Association of Anti-Corruption Authorities.
- **Kenya** – Director-General and Director for Legal and Prosecutions for a Regional Conference on Effectiveness of Anti-Corruption Bodies and Financial Intelligence Units.
- **Mauritius** – Director-General for the 2<sup>nd</sup> Phase of the High-Level Senior Leadership and Management programme for Heads of Anti-Corruption Agencies.
- **Egypt** – Deputy Director-General and Director of Investigations for an Executive Meeting.
- **Ethiopia** – Deputy Director-General and Chief Corporate Affairs Officer for the Eleventh Extraordinary Session of the Assembly of the African Union.
- **Kenya** – Director for Legal and Prosecutions for Benchmarking of an Asset Recovery: Freezing and Seizing Assets Programme.
- **Nigeria** – Director and Chief Officer for Corruption Prevention Department for a benchmarking visit to learn more about Corruption Risk Assessments.
- **Tanzania** – Chief Monitoring and Evaluation Officer for an Annual Anti-Corruption Dialogue.

Delegates from other countries that visited Zambia in 2018 including the first quarter of 2019 were;

- Mr. John Mair from the Office of the Inspector-General in Nairobi, **Kenya**.
- Mr. Selibe Mochoboroane, Chairperson of the Public Accounts Committee (PAC) of the **Lesotho** National Assembly.
- Ms. Paurina Mpariwa, Chairperson of the Public Accounts Committee (PAC) of the **Zimbabwe** National Assembly.

## **ANNEX 1**

### ASSETS FORFEITED TO THE STATE BETWEEN 2018 AND APRIL 2019

#### IN ZAMBIA

1. Bribery case involving a woman who stashed over US \$ 700,000 in her clothing was arrested at one of the country's international Airports by the Drug Enforcement Commission of Zambia (DEC). A relative to the suspect then offered to give/bribe US\$ 10,000 to an officer of the DEC so that the arrested woman can be released from Police custody. The Anti-Corruption Commission then took up the case of bribery and had the second suspect convicted. The US \$ 10,000 was forfeited to the State. (***The People Vs Ben Kapoma + 1***).
2. Abuse of Authority case involving an Assistant Accountant at a Public Hospital. The public officer was in the habit of forging and issuing cheques to various business houses purporting that he was procuring medical and other supplies for the health institution when in fact all the purchased goods ended up in his apartment for personal use. Property valued at close to US \$ 88,000 (K880,000) were forfeited to the state following his conviction. (***The People Vs Halwiindi***).
3. Corruption, Money laundering and theft case involving a former Ministry of Health Chief Human Resources Officer and four others. The public officer had been depositing huge amounts of money into his business and personal bank accounts using dubious payments from the Ministry of Health to a named consultancy agency. He continued to do so even after he had been transferred to the then Ministry of Local Government and Housing. The properties forfeited to the state out of this case consist of 24 motor vehicles (including BMW, Mercedes Benz, a Nissan Truck), 3 houses, 2 Lodges, 1 Filling station, 5 Bank Accounts all amounting to US \$ 600,000 (K6 million). (***The People Vs Henry Kapoko and others***).

## COMMONWEALTH REGIONAL CONFERENCE FOR HEADS OF ANTI-CORRUPTION AGENCIES IN AFRICA

### Creating Ecosystem for Mitigating Corruption in the Public Sector Lake Victoria Serena Golf Resort & Spa, Kigo, Kampala, Uganda 6 – 10 May, 2019

- Attitudes towards corruption vary from country to country, and from time to time.
- There were times (and countries) when corruption was (or is) considered an almost natural, inevitable phenomenon.
- Now, it is assumed to have negative consequences for economic growth and development, for service delivery, for equity, and for democracies. It remains prevalent and seems to have even increased.

14/06/2019

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- In the 1990s, attitudes toward corruption became more negative, perhaps because of the impact of the so-called "Washington Consensus"; or the fall of the Soviet Union.
- Corruption started to be called a "menace" to democracy and to market economies. Suddenly, there was less political tolerance for it and much more attention paid to corruption than in earlier years.
- Role of Western governments, the World Bank, the IMF and other international institutions in denouncing corruption, and Codes of conduct became common.

14/06/2019

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- 70s and 80s - not much spoken about by development institutions - too sensitive.
- During the 1990s, the governments of several important countries (Italy, Japan, Brazil, others) fell because of corruption.
- Corruption was always cited as one of the reasons for military coups in the 1970s and 80s.
- Some governments and international institutions like World Bank started to react to corruption in 1990s onwards.

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- To date, the most significant effort by the international community is the United Nations Convention against Corruption (UNCAC),
- which draws on the earlier efforts of the United Nations General Assembly and the Economic and Social Council (ECOSOC) and other regional bodies such as the OECD, the Council of Europe, to name but a few.
- The Convention was adopted by the General Assembly by Resolution 58/4 of 31 October 2003 and opened for signature in Merida, Mexico, from 9 to 11 December 2003. The Convention entered into force on 14 December 2005 and by 1 December 2015, it had 178 Parties.

02/06/2014

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- **Grand corruption** - involves huge sums paid by major businesses to high-level politicians and/or government officials - Kickbacks.
- **Systemic corruption** - takes the form of endemic bribes paid to public officials to obtain licenses, permits, or to by-pass regulations.
- **Petty corruption** - involves modest but recurring payments to avoid delays, jump queues, or obtain goods in controlled markets.

02/06/2014

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- **Bribery:** An offer of money or presents to influence a public official.
- **Fraud:** Cheating the government through deceit.
- **Embezzlement:** Stealing money or other government property.
- **Extortion:** use of threat of violence or information to induce cooperation.
- **Bureaucratic Corruption** minimally includes bending the law, discarding morality, employing deception and justifying criminality.
  - It would also include dishonesty, nepotism, job appointments to unqualified persons, avoiding decisions and services in exchange for bribes and kickbacks, all of which involve the abuse of power.

02/06/2014

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 The Commonwealth **Anti-Corruption Strategies**

8

**1. Deterrents/Enforcement** - includes legislation, investigation and prosecution.

An important point is that enforcement - *strict* laws and vigorous prosecutions come into play when abuses of public funds or violations of rules have already been committed.

- Singapore Anti-Corruption Bureau's tag line - "*You are better off if you sin against God than to sin against the Anti-Corruption Bureau of Singapore*" or "Kill the Chicken to Scare the Monkeys".
- However, focussing solely on enforcement strategies could be an expensive option, and hence emphasis should be given to prevention.

10/06/2018

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 The Commonwealth **Anti-Corruption Strategies**

9

**2. Preventive strategies** not only safeguard the integrity of government and ensure the application of rules and procedures, but have wider benefits in promoting public trust and managing the conduct of public officials.

- Preventive strategies need to instil behavioural changes that transform values and ethical frameworks through awareness and sensitisation.
- Mainstreaming public service professionalism and ethics should be an integral part of bureaucratic reforms aimed at building a culture of integrity and preventing corruption.
- However, we should note transformation of values and public ethics require a long time as does fixing or reversing deterioration of value system in a society.

10/06/2018

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 The Commonwealth **External & Internal Approaches to Corruption Mitigation**

• **External approaches** to corruption mitigation mainly involve following actions:

- creation of anti-corruption agencies,
- adoption and enforcement of strong anti-corruption laws,
- creation of an office of ethics in government, etc.

• **Internal approaches** to corruption mitigation, on the other hand, involve

- strengthening internal administrative procedures in public agencies, and
- minimizing human interface with the help of ICT (information and communication technology).

10/06/2018

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 The Commonwealth **Reason for Lack of Success in Corruption Mitigation Efforts**

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The main reason for lack of success in corruption mitigation efforts globally can be summarized as follows:

1. Emphasis in fighting corruption has been on punitive and deterrent aspects of corruption and not enough emphasis on pre-emptive or preventive approaches to corruption mitigation.
2. Corruption mitigation approaches, in general, have not been applied on a sustained basis in most developing countries.

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 The Commonwealth **INTERNAL APPROACH TO CORRUPTION MITIGATION** 12

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- The internal approach to corruption mitigation consists of the following key elements.
  1. Heal thyself, doctor;
  2. Recognize that corruption represents management failure;
  3. Make corruption mitigation part of performance management

**Heal thyself, doctor**

- Before ACAs can fight corruption in other places, it must put its own house in order - those who live in glass houses cannot afford to throw stones at others and charity, they say, begins at home.
- Hence, the starting point for effective corruption mitigation must be at the core of ACAs.

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- Systemic and widespread corruption in most agencies generally exists with the knowledge of senior management.
- Any good manager familiar with all the nooks and crannies of his/her department would (should) know the areas of operations with high risk of potential corruption.
- Often, the widespread corruption in government agencies exists with the active knowledge and collusion of the departmental head or with his active (conscious) neglect.
- The latter happens because the cost of intervention is not worth the benefit to the individual. This tendency is facilitated by short tenures of senior administrators.

18/05/2018

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- Corruption mitigation strategies needs to be projectized and implemented with a clear action plan with goals, objectives, criteria, success indicators and targets - what gets measured, indeed gets implemented.
- However, this action plan for corruption mitigation cannot be a standalone action plan. It needs to be part and parcel of the overall performance management plan.
- In other words, if head/PS does not implement corruption mitigation action plan, it will have an adverse impact on their performance appraisal and scores.

18/05/2018

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- Using the concepts mentioned above as a background, the steps below should be followed to create an eco-system for corruption mitigation.
- Each departmental head/PS should be asked to do the following:
  - **Step 1:** Identify potential areas of their departmental operations that may be at risk of having potential for corruption.
  - **Step 2:** Prioritize these potential risks for corruption in the department considering the following factors:
    - Potential damage to the reputation and / or financial loss to the government.
    - Likelihood of this type of corruption taking place under current institutional and administrative arrangements
  - **Step 3:** Recommend possible strategy (policies, programmes, projects, and activities) to mitigate these potential risks for corruption.

15/06/2018

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- **Step 4:** Convert this strategy into an annual action plan with clearly specified actions, priorities, success indicators and targets.
- **Step 5:** Integrate this Corruption Mitigation Action Plan into departmental performance management plan.
  - In other words, the implementation of the action plan should have consequences for department heads by affecting their overall performance score.
- **Step 6:** Incentivise the departmental staff for contributing to the process of identifying these risks for potential corruption and giving ideas for plugging the loopholes and other mitigating strategies.
  - This should be similar to the incentive schemes many organizations have for fostering innovation in the department.

15/06/2018

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- The above 6-step approach to mitigating corruption is predicated on the belief that prevention is better than cure.
- It makes use of the insights and knowledge of the internal employees who have a comparative advantage in identifying the risks and suggesting appropriate remedies.
- Given that this exercise is internal and there is no significant cost associated with it, there is a good chance it can be a sustainable and continuous on-going exercise.
- Once this corruption mitigating culture (ecosystem) has been created, the need for external interventions should decrease over time.

15/06/2018

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## **The African Union Convention on Preventing and Combating Corruption (AUCPCC)**

### **A continental Approach to fighting corruption**

#### **The African Union Convention on Preventing and Combating Corruption (AUCPCC) : A Continental Approach to fighting Corruption**

- The African Union Convention on Preventing and Combating Corruption is the African continental normative framework adopted to accelerate the fight against Corruption in Africa by providing guiding principles and strategies to State parties
- The Member States of the African Union adopted the convention at the second ordinary session of the Assembly of the Union held in Maputo – Mozambique on 11<sup>th</sup> July 2003 – this is why we celebrate 11 July as African Anti-Corruption Day.

## .....**THE AUCPCC**

- One of the objectives of the Convention is set out under **Article 2 Subsection 3** and it states: **“Coordinate and harmonize the policies and legislation between States Parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent.”**
- The Convention has twenty-eight (28) articles covering issues such as establishment of offences, cooperation, the role of stakeholders and legal and jurisdictional matters.

## .....**The AUCPCC**

- The Convention is a response to the African challenge of corruption:
  - It adopts a holistic good governance and rights-based approach by connecting corruption and human rights and deems corruption an impediment of the enjoyment of human rights (See Art. 3(2), 14 and 22(5)(g))
  - It deals with the impact of multi-national corporations in abetting corruption by mandating the Board to report on their activities. Some of these corporations engage in activities such as illicit financial flows (See Art. 22(5)(e))
  - Creates a prosecute or extradite regime by requiring states parties to ensure that corruption offenders are either prosecuted or extradited thereby limiting impunity (See Art. 13)
  - It supersedes all other applicable anti-corruption instruments in the case of conflict (See Art. 21)

## .....The AUCPCC

- The Convention came into force on August 5, 2003, thirty days after the deposit of the fifteenth instrument (15<sup>th</sup>) instrument of ratification.
- Forty-nine (49) out of the fifty-five (55) i.e. 89% of states are signatories to the Convention and Forty (40) i.e. 72% of member states have ratified/ acceded the convention.
- **Countries which have not expressed their intention to be bound are (3):** Central African Republic, Cape Verde, and Morocco.
- **Countries which are yet to ratify/accede (14):** Cameroon, Central African Republic, Cape Verde, Djibouti, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Mauritania, Morocco, Somalia, South Sudan, Sao Tome and Principe, Swaziland and Tunisia
- **Commonwealth countries:** Cameroon, eSwatini, Mauritius are not part of the Convention (3/19)

## OTHER ACCOMPANYING AU FRAMEWORKS ON FIGHTING CORRUPTION

- The AUCPCC has not been working in isolation in the fight against corruption in Africa. It has plethora of progressive normative frameworks on providing sanity in different aspects of corruption related issues ranging from elections, democracy, effective and responsive governance in Africa.
- Firstly, the **African Charter on Democracy, Elections and Governance** was adopted by the African Union on January 30, 2007.
- This convention is to ensure free and fair election, good governance and to foster democracy and rule of law. One of the objectives of the charter was set out under **Article 2 (9)**, which states that *“the charter shall promote the fight against corruption in conformity with the provisions of AU convention on Preventing and Combating Corruption.”*

## **OTHER ACCOMPANYING AU FRAMEWORKS ON FIGHTING CORRUPTION**

- Secondly, The **African Charter on the Values and Principles of Public Service and Administration**. This Charter was adopted on January 31, 2011.
- Under the Article 12 (1), (2) and (3), this states that *“States Parties shall enact laws and adopt strategies to fight corruption through the establishment of independent anti-corruption institutions. (2) Public Service and Administration shall constantly sensitize public service agents and users on legal instruments, strategies and mechanisms used to fight corruption. (3) State Parties shall institute national accountability and integrity systems to promote value-based societal behaviour and attitude as a means of preventing corruption.”*
- Thirdly, the **African Charter on the Values and Principles of Decentralization, Local Governance and Local Development**. The African Union Assembly of Heads of State and Government through this decision (Assembly/AU/Dec.529 (XXIII)) adopted the Charter on June 27, 2014

## **OTHER ACCOMPANYING AU FRAMEWORKS ON FIGHTING CORRUPTION**

- The Convention is established in a bid to put across the African continent and within the AU an increasing ground swell of support for the broad thrust towards decentralization, local government, local governance and local development.
- This is provided for under **Article 14** of the Charter which states that *“Measures for the promotion of transparency and accountability by local governments or local authorities shall be clearly outlined in national legislation. Such legislation shall clearly define the respective roles and responsibilities of national and sub-national governments, public agencies, service providers, elected and administrative officials, and civil society organizations. . .”*

## **THE AFRICAN UNION ADVISORY BOARD ON CORRUPTION (AUABC)**

- The institution of African Union Advisory Board on Corruption (AUABC) was established in 2009 as a mechanism created to follow up on the implementation of the African Union Convention on Preventing and Combating Corruption pursuant to Art. 22.
- Since its establishment, it has shown significant measure of success in working with member states to prevent corruption and to steer the implementation of the provisions of the AUCPCC by the State Parties.

### **Mandate of AUABC**

- AUABC has the mandate to;
  - Document and analyze corrupt activities;
  - Advise the AU and member states on all matters relating to corruption;
  - Monitor and report on implementation and compliance with the Convention;
  - Engage in advocacy and outreach to prevent corruption

## **The Functions of the African Union Advisory Board on Corruption**

- To promote and encourage adoption and application of anti-corruption measures on the continent
- To collect and document information on the nature and scope of corruption and related offences in Africa
- To develop methodologies for analyzing the nature and extent of corruption in Africa, and disseminate information and sensitize the public on the negative effects of corruption and related offences;
- To advise governments on how to deal with the scourge of corruption and related offences in their domestic jurisdictions;

## **The Functions of the African Union Advisory Board on Corruption**

- To collect information and analyze the conduct and behaviour of multi-national corporations operating in Africa and disseminate such information to national authorities designated under Article 18 (1) of the Convention hereof;
- To develop and promote the adoption of harmonized codes of conduct of public officials;
- To build partnerships with the African Commission on Human and People's Rights, African civil Society, governmental, Intergovernmental and non-governmental organizations to facilitate dialogue in the fight against corruption and related offences;
- To submit a report to Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of this Convention;
- To perform any other task relating to corruption and related offences that may be assigned to it by the policy organs of the African Union.

## **Continental approach to fighting corruption ?**

- In order to promote the continental approach to fighting corruption, the Board is supporting the following among many other initiatives:
  - Convening of the Annual Anticorruption Dialogue with all national anticorruption authorities in the continent. This facilitates exchange of information, sharing experience, knowledge and good practices
  - Conducting Evaluation mission to assess the experience including challenges and good practices in fighting corruption within States Parties
  - Supporting peer to peer learning between National Anticorruption authorities to promote learning from each other.
  - Conducting regional learning and capacity building programmes for NACAs and other key stakeholders.

## **Highlights of the State Reporting of AUABC to Date**

- The Board is mandated to receive reports from State Parties on the implementation of the Convention. To date it has 13 state reports from the questionnaire that was sent out in May 2015.
- These reports are from the following countries: Burkina Faso, Comoros, Ethiopia, **Kenya**, Madagascar, **Namibia**, **Nigeria**, **Rwanda**, **Sierra Leone**, **Tanzania**, Togo, **Uganda** and Zimbabwe.
- Initial analysis of the reports reveals that many member states have made significant efforts in establishing anti-corruption authorities as well as enacting legal frameworks for corruption offences.

## **Highlights of the State Reporting of AUABC to Date**

- The Board has already evaluated Republic of **Uganda, Namibia** and **Rwanda** and assessed their compliance to the Convention and a lot of good practices were identified worth emulating in other member States.
- The Board engages in advocacy missions and continues to encourage States to ratify the Convention and for States Parties to submit their reports and can provide technical assistance for those states that wish to do so.

## **AFRICAN ANTI-CORRUPTION YEAR – PROJECT 2018**

- As some of you may recall ,2018 was declared by the African Union (AU) Policy Organs as African Anti-Corruption year (also known as Project 2018) on the theme **“Winning the fight against corruption: a sustainable path to Africa’s transformation”**.
- 2018 coincidentally also marked 15 years since adoption of the Convention.
- The general objective of the Africa year of anti–corruption was to promote the fight against corruption and impunity on the continent as a sustainable path to a prosperous and peaceful Africa.

## **AFRICAN ANTI-CORRUPTION YEAR – PROJECT 2018**

- The year provided an opportune moment for the people of Africa, all concerned stakeholders and Head of States, to mark, commemorate and celebrate the significant milestones in Africa’s continental success in fighting corruption.
- It also gave African Head of States and Governments the chance to reflect and deliberate on strategies in combating corruption in Africa in relation to the African Anti-Corruption Year theme, and by also making them put in place initiatives and measures at their individual national levels to advocate and give expression to the wordings of the AU Convention.

## **AFRICAN ANTI-CORRUPTION YEAR – PROJECT 2018**

- One of the highlights of the year was the adoption of the Nouakchott Declaration on Anticorruption by Heads of States and Governments who:
  - Called all African Union Member States to empower national anti-corruption agencies, financial intelligence units, audit firms and relevant bodies by strengthening their independence and adequately financing and capacitating them to be able to perform their duties in a hitch-free manner;
  - Appeal to Member States to strengthen south-south cooperation through voluntary information exchange, mutual legal assistance and sharing of best practices among national anti-corruption agencies, audit institutions or relevant bodies devoted thereto and the Board being a continental body, it stands strategically to facilitate this south to south cooperation.



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