



**ANTI-CORRUPTION
COMMISSION**

**REPORT ON THE 2ND COMMONWEALTH
REGIONAL CONFERENCE FOR HEADS OF
ANTI-CORRUPTION AGENCIES IN AFRICA
HELD IN LIVINGSTONE, ZAMBIA AT ZAMBEZI
SUN HOTEL FROM 20TH TO 25TH MAY, 2012**

*Prepared by Anti-Corruption Commission Zambia,
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APPENDIX:

 (I) List of Participants

ACRONYMS

AACACA	Association of Anti-Corruption Authorities in Commonwealth Africa
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AC	Anti-Corruption
ACA	Anti-Corruption Agencies
ACC	Anti-Corruption Commission
ACTT	Anti Corruption Task Team
ACU	Anti Corruption Unit
AG	Auditor General
ANCOR	Anti-Corruption Revolution
AOA	African Ombudsman Association
AUCAC	African Union Convention against Corruption
BAAC	Business Action Against Corruption
BNF	Botswana National Front
CODESA	Congresses for Democratic South Africa
CRL	Complaints Review Committee
CSOs	Civil Society Organizations
DACC	District Anti Corruption Committee (Lesotho)
DCEC	Directorate on Corruption and Economic Crime
DFID	Department for International Development
DIAAL	Directorate of Internal Audit Systems (Lesotho)
DPP	Department of Public Prosecution
EAACA	East African Anti Corruption Authorities
EU	European Union
FRC	Financial Reporting Council
GIDD	Governments and Institutional Development Division
IAACA	International Association of Anti Corruption Authorities
ICAC	(Mauritius)
IDI	Intelligence Driven Investigations
IMC	Integrity Management Committee
ICCPR	International Covenant on Civil and Political Rights
JPSC	Justice Crime Prevention and Security Cluster
LI	Legal Instruments
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MLA	Mutual Legal Assistance
NACP	National Anti Corruption Policy
NACS	National Anti Corruption Strategy
NGO	Non Governmental Organisations
NIA	National Identification Authority
NIC	National Integrity Committee
NPA	National Prosecution Authority
PPADB	Public Procurement and Asset Disposal Board
RISP	Rwanda initiative and Sustainable Development
StAR	Stolen Asset Recovery
TCP	Transaction Clearing Platform
TI	Transparency International
UK	United Kingdom
UNCAC	United Nations Convention Against Corruption

CHAPTER 1

1.0 INTRODUCTION

The 2nd Commonwealth Regional Conference for Heads of Anti Corruption Agencies in Africa was held in Livingstone, Zambia, from 20th to 25th May 2012 at the Zambezi Sun Hotel. The event was sponsored by the Commonwealth Secretariat and hosted by the Government of the Republic of Zambia. It was also supported by other Zambian Ministries who were enlisted to provide protocol assistance, security, transport and other onsite support throughout the event.

The event was attended by Executive representatives and Commissioners of Anti Corruption Agencies of Commonwealth African countries, Heads of Oversight Agencies and the Media. The conference was officiated by His Excellency the President of the Republic of Zambia who was represented by the Zambian Home Affairs Minister Honourable Kennedy Sakeni and the Southern Province Permanent Secretary Honourable Obvious Mwaliteta.

2.0 BACKGROUND

Anti-Corruption Agencies from all 19 Commonwealth Africa countries were expected to attend in order to share their strategies and innovative solutions. The conference was one of the many platforms through which the Commonwealth intends to build institutions by strengthening communities of practitioners, building professional network and exchange solutions. The conference also allowed for Member countries to share their experiences and lessons learnt and to give an insight in dealing with common issues in their fight against corruption, and encouraged collaboration and coalition of organizations.

3.0 TOPICS OF THE CONFERENCE

The following were the topics of the conference which helped in achieving its objectives;

- 3.1 Implementation of the UNCAC
- 3.2 Corruption and Political Will- A Challenge for Anti-Corruption Bodies
- 3.3 Challenges of Fighting Corruption in Africa and Strategies for Overcoming them
- 3.4 International Cooperation and Mutual Legal Assistance – Challenges
- 3.5 The Role of Non-State Actors in the Fight against Corruption
- 3.6 The Prospect and Challenges of Implementing Hotlines and Reporting Channels in Anti-Corruption Agencies
- 3.7 How Can the International Community Collaborate with Anti-Corruption Network to Curb Corruption

The theme of the conference was ***The Critical role of Innovation in Fighting Corruption in Public Administration in Africa'***

4.0 AIMS

The conference was aimed at:

- 4.1 Strengthening relations between Anti-Corruption Agencies within the Commonwealth Africa;
- 4.2 Assisting delegates to acquired a firm grasp of the value added functions of the emerging best fit practices and charged innovations
- 4.3 Assisting delegates to appreciate diversity and commonality of strategies to combat corruption; and
- 4.4 Assisting delegates to appreciate the level of individual country performance and challenges in dealing with corruption.

CHAPTER 2

OFFICIAL CONFERENCE

1.0 Welcoming Remarks

The Anti-Corruption Commission Director- General from Zambia Mrs. Rosewin M. Wandu welcomed the participants to the conference. In her remarks, Mrs. Wandu noted that the theme ***‘The Critical role of Innovation in Fighting Corruption in Public Administration in Africa’*** was timely in that it had come at a time when the world was undergoing fast transformation into a global village. She added that the world was now dynamic where the corrupt are also becoming more and more sophisticated in their attempt to perpetuate corruption and other evil vices.

Mrs. Wandu stated that all Anti-Corruption Agencies were aware that corruption and unethical behavior by public officials were a serious threat to basic principles of democratic governance and undermined public confidence in democracy and threatened the rule of law. She explained that corruption in the public sector weakens democratic institutions, encourages organized crime, undermines and compromises public service delivery.

The Head of the Zambia Anti-Corruption Agency further stated that she believed that there was no better method of building institutions than strengthening communities of practitioners, building professional linkages and networks, and creating such opportunities for countries to exchange the best solutions fit for each of them. She expressed hope that the conference would provide a platform for enhancing learning and sharing of country experiences through the strengthened network of Heads of Anti-Corruption Agencies in Commonwealth Africa and be able to come up with new innovations to tackle administrative corruption.

Mrs. Wandu also thanked the Commonwealth Secretariat for providing yet another opportunity for us to continue building up on this anti-corruption agenda for Africa.

2.0 Opening Statement

Commonwealth Secretariat Governance Advisor Dr. Roger Koranteng made the opening statement at the conference. Dr. Koranteng began by quoting number of high profile world personalities who despise corruption. Among them, Dr. Koranteng quoted former United State Secretary of State Collin Powell who said *“Corruption results from a variety of economic, institutional, political, social and historical factors. It flourishes when democratic institutions are weak, laws are not enforced, political will is lacking, and when citizens and media are not allowed to be partners in democracy. Corruption and unethical behaviour by public officials are serious threat to basic principles of democratic government, undermine public confidence in democracy and threaten the rule of law”*.

Dr. Koranteng also agreed with such sentiments and stated that Corruption takes place because of a lack of accountability and transparency on the part of public integrity systems; as a result, there is widespread perception that the public service has lost its direction and that many elements within the public sector are corrupt He explained that many of the private sector firms that transact business with the public sector are also corrupt adding that the public sees officials refusing to provide services to the public, and hold themselves not accountable to the public they profess to serve.

Dr. Koranteng however noted that the support and involvement of individuals and groups outside the public sector is also important if anti-corruption efforts are to be effective. Good administration and effectiveness of public sector institutions play an important role in enhancing the ability of state to prevent corruption. He however

expressed optimism that the conference will broker exchange of ideas and practices among Commonwealth African countries, and, will encourage the sharing of expertise in areas where they have a comparative advantage, as well as generate political buy-in and pressures for reform.

The Commonwealth Secretariat Governance Advisor further said that his organization has prioritised the fight against corruption and will continue to work with the Anti-corruption Agencies in Commonwealth to promote good governance and socio-economic development for all citizens. He also encouraged all delegates to take advantage of the conference to coordinate their efforts in the fight against corrupt practices and to promote good governance on the continent.

3.0 Keynote Speech

The conference was officially opened by the Minister of Home Affairs of the Government of the Republic of Zambia Honourable Kennedy Sakeni, who is also a Member of Parliament. In his keynote speech, Honourable Sakeni stated that Africa needed to develop itself adding that development could only be effectively achieved if corruption was successfully fought. He noted that there a number of challenges in fighting corruption in Africa saying that some of the challenges included weak laws, routine abuse of power and weak democratic institutions. He said that democratic institutions and weak laws against corruption needed to be strengthened in order to meet the challenges of dealing with corruption on the continent. He added that the public also needs to be empowered with information in order for people to contribute to the fight against corruption.

Honourable Sakeni noted that Zambia had made strides in the fight against corruption adding that he expected some further improvements in the country in dealing with the scourge of corruption.

4.0 Closing Remarks

The Southern Province Minister Honourable Obvious Mwaliteta officially closed the conference. In his closing remarks Mr. Mwaliteta Anti-Corruption Agencies can longer afford to work in isolation given the sophistication and tendency by the corrupt to invest stolen assets abroad. Honourable Mwaliteta added that a number of African countries face challenges relating to the extradition of suspects and recovery of stolen assets across international borders.

The Provincial Minister noted that it was therefore important that international cooperation be enhanced through the provision of mutual legal assistance if Africa was to succeed in the fight against corruption. He stated that as for Zambia, the Republican President His Excellency Mr. Michael Sata will ensure that the government continues create a conducive and sustainable environment for the fight against corruption and called upon all African governments to ensure that they provided the necessary financial and technical support to anti-corruption agencies to them to operate effectively.

CHAPTER 3

THEMATIC PRESENTATIONS

A number of thematic presentations were made and these were as follows;

International Cooperation and Mutual Legal Assistance – Challenges.

By Rosewin Wandu, ACC Zambia Director-General

In this presentation Mrs. Wandu highlighted subjects such as definition of Mutual Legal Assistance (MLA), provisions in international instruments, regional and international instruments for MLA, the importance of MLA, effective processes of MLA, and the challenges of implementing MLA.

The presentation mainly centered on highlighting what has been done in the region and internationally. However, it was also noted that a number of challenges hindered the effective implementation of provisions of MLA. Some challenges were noted and these included that,

- Although there are several international, continental, regional and domestic attempts to achieve cooperation and mutual legal assistance among countries, there have been challenges in implementation for the following reasons:
- The principle of dual criminality, where one State will only execute a request for assistance from another only where the offence under investigation is also an offence in the requested state;
- The principle of specialty, whereby the information obtained can only be used for the requested purpose; some offshore jurisdictions limit the scope of their co-operation where the offences involved are fiscal in nature;
- States sometimes limit their co-operation to certain types of criminal offences;
- Some countries do not recognize freezing or confiscation orders made in another country;
- Prosecutors and investigators sometimes have recourse to mutual legal assistance without exploring whether informal mutual assistance would,

in fact, meet their needs. It is sometimes forgotten that the country receiving the request might welcome an informal approach that can be dealt with efficiently and expeditiously. Prosecutors must thus ask themselves whether they really need a formal letter of request to obtain a particular piece of evidence.

Discussions and Comments

- The international conference should provide a framework for the harmonization of MLA. Member need to familiarize themselves with legislation and official language of the requested country as this may sometimes pose as a challenge
- Legal systems on the continent have failed to appreciate the dynamism of corruption as they tend to place too much emphasis on human Rights and culture.
- Porous borders between countries such as Nigeria and its neighbours also contribute to increased demand for MLA.
- Some laws have been static for a long time and are not in tandem with fight against corruption thereby making the justice system seem as though it encourages corruption.
- There is need to put in place non political organs to deal with MLA such as the Inspectorate of Governance in Uganda.
- Countries should be allowed to make informal requests through a contacts' list which should be compiled as desk officers assigned to deal with all matters to relating MLA.

Challenges of Fighting Corruption in Africa and Strategies for overcoming them.

By Joseph Kamara, ACC Sierra Leone Director-General

The presentation types of corruption which included corrupt acquisition of wealth; soliciting or accepting advantage; using influence for contracts; corrupting a public officer; misappropriation; nepotism; conflict of interest; and political corruption.

Other aspect of the presentation highlighted generic challenges of fighting corruption in Africa which were said to be political; economic; sociological; judicial and legal and structural and institutional. Measures to deal with these challenges were also discussed and it was noted that the following would be the strategies for overcoming the stated challenges;

- Involving every stakeholder in society through a National Anti-Corruption Strategy/Policy
- Coalition with the Civil Society and the Media
- Strengthening and harmonization of judicial framework
- Public education through schools
- Provision for the recovery of wealth from persons found guilty of misappropriating public funds
- Declaration of Assets and Liabilities by public servants
- Public sector reforms to promote anti-corruption agenda
- Effective and efficient systems review and monitoring of Ministries, Departments and Agencies to minimize waste and bureaucracy in public sector.

Discussions and Comments

- Much as Anti-Corruption Agencies would want to involve Civil Society Organisations in partnerships in meeting the challenges of fighting corruption, caution should be taken to ensure that such CSOs are credible and clean from any acts of corruption.
- In declaring assets, most high ranking government officials find it difficult to distinguish between political assets and government assets.
- Tools which all governments should use in promoting anti-corruption initiatives include code of ethics, proper conditions of service, disciplinary code of conduct and the parliamentary oversight committees.
- Political will is very cardinal to meet most of the challenges in the fight against corruption. In order for the anti-corruption fight to succeed, there should not be any political interference but instead support from the highest political office of any country.

Corruption and Political Will – A Challenge for Anti-Corruption Bodies

*By Rose Seretse, Directorate on Corruption and Economic Crime of Botswana
Director*

The presentation first focused on the definition of political will which was said to be the commitment of actors to undertake actions to achieve a set of objectives as quoted from Brinkerhoff D.W (2010). The other issues in the presentation talked about factors that may indicate a lack of political will towards the fight against corruption and these were;

- ▶ Poor resourcing of the Anti Corruption Agencies
- ▶ The manner in which the Heads of ACCs are removed from office
- ▶ Reporting structures
- ▶ Refusal of consent to prosecute corruption cases by (DPP/ AG's)
- ▶ Lack of improvement for conditions of service
- ▶ Interference
- ▶ Lack of deterrence (lenient and suspended sentences)
- ▶ Resistance to step down during investigations
- ▶ Delayed ratification of international anticorruption instruments
- ▶ Lack of subscription and or implementation of some statutes of these instruments

The contradictory was also presented as factors which may indicate the presence of strong political will and were said to be the following;

- ▶ Independence of ACCs
- ▶ Reporting to the president or parliament
- ▶ powers to prosecute
- ▶ Adequate resourcing
- ▶ Improved conditions of service
- ▶ Effective legislation
- ▶ Domestication of international instruments
- ▶ Independence and access to the judiciary
- ▶ Strong oversight institutions
- ▶ Institutionalisation of anticorruption initiatives

However, the general observations by the presenter were that at least several leaders today show strong commitment and political will to fight corruption as this was evident by their presence in international conferences and performing the official opening of these activities.

It was also noted that a reasonable number of countries had ratified international instruments in support of fighting the scourge of corruption adding that the topic of corruption has also been put top on the agenda of politicians.

Discussions and Comments

- It should be made mandatory for the Director of Public Prosecutions to give reasons for not consenting for prosecution to a case of corruption. If this is done it will enable objectivity in handling matters of corruption and a harmonious working relationship between the DPP and an anti-corruption agency.
- If president has the powers to appoint the head of the anti-corruption Commission, then Parliament should be allowed to ratify and the Director-General or Commissioner should report to Parliament.
- It was also proposed that anti-corruption agencies should engage stake holders and strategic partners such as CSOs to speak out in order to have an effective way of checking on how political interference.
- Countries need to develop and sustain public will by regularly reporting to the public on the progress being made and this will strengthen political will.

The Role of Non State Actors in the Fight Against Corruption

By Paulus Noa, Director of Anti-Corruption Commission of Namibia

The role that can be played by the non-state actors in the prevention and fight against corruption and related crimes cannot be overemphasized. The destructive effects of corruption call for countries to adopt a holistic approach

to the battle against corruption by co-opting all the principal actors and engage them fully in the prevention of and the fight against corruption.

In this presentation it was said that Non-State Actors are not just second class citizens whose role is merely secondary to those who are in public sector. They are citizens or residents with full rights and obligations like any other citizen. Non-state actors refer to civil society organizations including media and other networks which operate outside the formal state apparatus. They are not just limited to NGOs but also labour unions, professional associations, business sector, religions, students clubs, cultural societies, sport clubs and many others outside the state structure.

The role that non-state actors could play included;

- to raise public awareness against the evil and dangers of corruption.
- to demand accountability from government.
- Non-state actors can act as watchdogs on government's performance by holding government accountable, and demand transparency in the administration and management of public resources.
- They can exert constructive pressure on government to implement good government policies

It was further said that participation of society is aimed at enhancing transparency of and promoting the contribution of the public to decision making processes. This ensures that the public has effective access to information, undertaking public information activities that contribute to non-tolerance of corruption. Additionally, public education programmes such as in school and university curricula, and respecting, promoting and protecting the freedom to seek, receive, information concerning corruption is also important.

Discussions and Comments

- The person being prosecuted should enjoy the right to a fair trial. But courts must also take into consideration the damage caused during the commission of the offence.

- There is need for innovation in engaging CSOs because so many have mushroomed and are just part of the grand design to beat the fight.
- Corruption needs precision to be solved and sometimes the outcome is too slow. There is need for a better legal framework.
- There is also need to come up with an elaborate charter where a national corruption coalition would be enacted bringing together NGOs and other non state actors.
- Other countries can emulate Cameroon which has come up with a plan of action using CSOs as outreach agencies with the Commission and serve as a link between the public and the Anti-Corruption Agency. This enhances common vision and coordination of activities.

Anti-Corruption Assistance of International Donors

By Bertrand De Speville, CFTC Expert

Globally, the anti-corruption agencies have not done much to attract donor assistance in the fight against corruption. Practically and realistically, assistance should be sought and not proffered. The presenter explained that anti-corruption agencies should seek help which must be able to make an effective difference. He noted that realistic help means assistance that the donor would be prepared to give

There should be measures put in place in order for help to be sought effectively. It was said that such measures include public opinion and periodic assessments of the national anti-corruption efforts. In doing so, agencies need to ask the people about their perception, their attitude and their support for the anti-corruption body.

The periodic assessment should incorporate anti-corruption values and the laws, the strategy, its implementation, the organisation and structure of the anti-corruption authority, the internal workings of the anticorruption authority – its operational policies, its human resource policies, its external relations policies and their practical day-to-day application, budget and financial

resources, external relations and coordination, and the mechanisms for measuring progress.

Discussions and Comments

- Although the initiative of periodic assessment is good, the assessment should be specifically targeted at the ACA by an outside expert body. For instance, the peer review by SADC is not very effective because it is done by non expert assessors.
- Although there is fear of negative responses from the public, public opinions is a method of measuring corruption at National level because it helps the ACAs to know how the public really sees them.
- There is need to be careful in accepting outside funding due to the possible strings attached and ulterior motives. ACAs need to get clearance from an independent observer before accepting donations.
- Management of information coming from Africa on corruption is not fair. It is mostly negatively reported.

The Prospect and Challenges of Implementing Hotlines and Reporting Channels in Anti-Corruption Agencies

By Roger Koranteng, Commonwealth Secretariat Governance Advisor

In this presentation, Dr. Koranteng explained that an effective reporting system is essential for providing ACAs with a valuable source of information. He however noted that there are quite a number of challenges in implementing hotlines as channels of reporting for anti-corruption agencies. Dr. Koranteng mentioned the following as some of the challenges;

- Shortage of skilled manpower
- Lack of adequate training
- Inadequate and outdated equipment
- Limited hours of work

Dr. Koranteng further said that a successful hotline is important to promote service and set up interface for easy public access. However, it was stated that hotlines can sometimes disadvantage an ACA as it can work as a barrier by

would-be users who are technologically backwards. Other constraints for making a hotline successful said to be geographical location, economic, social or cultural.

He said that in order to address the stated constraints, an anti-corruption agency interested in using a hotline as a means of reporting cases of corruption should consider the following;

- **Financial**- The hotline needs to be budgeted for.
- **Technical**- Staff needs to understand the technical, legal skills and evidentiary requirements for cases. They must know how to guard against legally malicious reports
- **Staffing**- There is need for Human Resource to man the hotline
- **Administrative**- systematic screening and processing of complaints.
- **Partnering** with CSOs can help to improve capacity of a hotline such as engaging a chapter of Transparency International or other youth organizations

In order to make hotlines effective, the following areas need attention

Operational

- Promote public awareness of hotline services. Use language that is understood by the target group.
- Create client friendly and responsive environment
- Ensure staff is trained
- Designate specific funding

Administrative

- Protect the right of callers to remain anonymous. Promote confidentiality. Complainants need to be protected from victimization.
- Standardize procedures for handling complaints.
- Publish reports on operations and information on the number of cases investigated or referred

Institutional

- Authority to investigate will be derived from the mandate of the ACA
- Hotlines should only be used for what they are meant

- Set up data management systems
- Regularly publish information on hotline performance
- Establish and define formal and legal terms when a case is considered, resolved or closed.

Political

- Promote political independence and desist from administrative interference.

Discussion issues

- The cost of implementing and maintaining a hotline is too high for ACAs in Africa.
- Only 33% of the people in Botswana know that there is a hotline despite the public awareness campaigns done. People don't read the information given
- Hotlines in Nigeria are not safe and for sensitive reports they should be the last resort. There is need to put up more technological protection systems on the hotline.
- The Corporate entities dealing in telephone services should be lobbied so that through their corporate social responsibility they can support the idea of using hotline in reporting corruption issues. They companies can be outsources by the ACAs
- The Cameroun ACA does not have a hotline. However, 80% of the calls received on other hotlines are irrelevant according to the experience of these institutions. There must be a way of avoiding crank calls.
- In Ghana, the ACA uses cell phones to receive complaints and in doing so every call is subjected to a pre-investigation to avoid irrelevant calls.

Intelligence Driven Investigations (IDI)

By Francis Montil, Commonwealth Secretariat Expert on Governance based in Nigeria

Mr. Montil gave the background of Intelligence-Driven-Investigations saying that they are not new and that they have been and are being used as a

discipline- generally in situations where the crime is complex and the case needs a multi-disciplinary and multi-technical approach. He said that for several years now, the professional investigation “industry” has been advocating a more comprehensive approach to investigation that includes a mix of intelligence and investigation- particularly in situations where crime is organized and needs to be- as well as being investigated.

The presenter noted that Investigators have been using I-D-I’s on a more or less ad-hoc and unstructured basis. This is due in large parts because any seasoned investigator has probably applied some the techniques and the tools used in I-D-I’s without being conscious of doing so or doing so in an un-planned and uncoordinated fashion with the unfortunate result that some of the material that is generally generated in the course of an investigation is lost and wasted.

The idea of intelligence-driven investigations is that investigations are conducted on the basis that whatever threat activities are in train or planned either in a criminal setting or in a terrorism setting so that they can be dismantled before they have the opportunity to cause damage to the security or interest of the nation or (in the case of criminal cases) to the interest and well-being of a community.

Mr. Montil stated the following as the advantages of Intelligence Driven Investigations:-

- It is more thorough and comprehensive than a reactive investigation
- It gathers intelligence, information and other data not only with respect to one or several investigation cases but with respect to building the Organization’s knowledge of its operating environment and various other areas of investigative and operational interest.
- It inevitably discovers and detects crimes and offences that have not been reported or would not necessarily be reported
- It allows for persons of concern (POC’s) to be identified earlier than in non I-D-I’s

- It provides for a pool of information useful for other existing and future investigations
- It refines information, data, intelligence into evidence in a more useful and relevant quality
- It generates logical investigation leads
- It allows for diversification of formal investigation and intelligence products
- It is forewarning and explorative in perspective
- It professionalizes and protects the investigator's integrity and the integrity of the investigation process
- It is cost-effective in the long run and resources saving operationally
- It re-focuses investigation into a more socially responsive approach
- It allows investigation and detection activities to be carried out without exposing itself to suspects and POC's who could destroy evidence and prepare false witnesses in anticipation of their prosecution, and most importantly,
- It gives the investigator the control of the investigative environment rather than leaving it to the offender(s).

CHAPTER 4

COUNTRY PRESENTATIONS

Each country that was invited to attend the conference was given an opportunity to make a country presentation. Countries that made presentations were Botswana, Cameroon, Ghana, Kenya, Lesotho, Mauritius, Namibia and Nigeria. Others were Rwanda, Sierra Leone, South Africa, Swaziland, Tanzania, the Gambia, Uganda and Zambia. Malawi did not attend the conference while Mozambique was advised that its representative would give a country paper in the coming international conference for anti-corruption heads to be held in 2013 in Mauritius.

Mainly, the country presentations included the following generic topics of discussions;

- The country profile,
- Organizational background and establishment
- Anti-corruption agency Framework/ organizational structure
- National Strategic Plan on Corruption
- Anti-corruption agency operational functions
- The agency's challenges in fighting corruption
- The achievements made in the fight against corruption
- Innovations by the anti-corruption agency

In this report, a focus will be placed on innovations and initiatives by each country as presented during the conference. A summary of discussion issues will also be indicated for each country.

[Botswana](#)

Innovations and initiatives

- Setting up of assessment centre-tasked to conduct preliminary investigations
- Intelligence led investigations

- Setting up of a professional standard unit which specifically deals with complaints against staff members.
- Prosecution led investigations
- Launching of a business ethics code for the private sector.
- 20 companies immediately signed during the launch of the code
- Amendment of the corruption and economic crime act

Discussion issues

- Intelligence Led Investigations have not been used for a long time but that had already seen their advantages and so far about 20 cases had been developed.
- The Botswana Anti-Corruption Agency has engaged the private sector mother body as a way of promoting private sector participation in the fight against corruption. This step was taken as opposed to dealing with individual institution.
- Although DCEC has powers to freeze and confiscate assets the challenge being faced by the institution is that there is lack of a civil regime to recover stolen assets. All recoveries are criminal conviction based.

Cameroun

Innovations and initiatives

- The Rapid Results Initiative that is being used to implement the National Strategy to Fight Against Corruption;
- The Rapid Intervention Unit created by National Anti-Corruption Commission of Cameroon (CONAC);
- The National Coalition Against Corruption;
- The National Education Programme for Integrity;
- The Reinforcement of Communication with the publication of CONAC's first triennial report.

Discussion issues

- CONAC publishes all names of people alleged to be involved in corrupt practices in this is normally done before judgment and the organization publicly states that the matter is before court.
- The composition of the ministerial Anti Corruption unit is constituted by a Minister of the ministry concerned and is part of the actual ministry. The establishment of such a unit is for purposes of corruption prevention.

Ghana

Innovations and initiatives

- Platform for information sharing among key accountability institution in Ghana.
- Collaboration with oversight institutions through a Memorandum of Understanding which include, Bureau of National Investigation, the financial Intelligence Centre, Ghana Revenue Authority and Ghana Immigration Service. The MoUs are soon to be signed.
- Involvement of Judges in Legal Instrument development and Standard Operating Procedures (SOPs)
- Collaboration with civil society
- Strengthening of Regional Offices

Discussion issues

- Inadequate structures at regional level
- Slow prosecution at Auditor-General's office
- There is need to develop and enhance collaboration with counterparts in West Africa.

Kenya

Innovations and initiatives

- Launch of the Integrity Testing Programme
- Establishment of other anti-corruption agencies such as the National Anti-Corruption Campaign Steering Committee and Efficiency Monitoring Unit

- Introduction of **performance contracting** and **service charters** for the public service and government departments
- Compulsory declaration of income, assets and liabilities by all public officers
- Codes of Conduct and Ethics for all public officers
- The launch of the National Anti-Corruption Plan (NACP) and establishment of the Kenya Integrity Forum.

Discussion issues

- The Integrity Testing Programme (ITP) does not involve the usage of a polygraph.
- The results of an ITP are not used for prosecution but to rid the public service of officers who are can easily offer or solicit for a bribe when circumstances allow.
- The ITP is also used to test the suitability of a person to hold a particular public office and only used administratively.
- Kenya was cautioned on the use of the ITP that the measure may lead to accusations of entrapment.
- Kenya has not considered using lie detectors or the polygraph as it not generally accepted because a person's physiological mechanism may lead to false result.

Lesotho

Innovations and initiatives

- Launched its chapter of the Business Action Against Corruption (BAAC), a concept developed under the technical support of the Commonwealth Business Council (CBC).
- DCEO operations are being re-structured and proper systems being put in place so as to enhance their effectiveness
- Operational tools are being developed currently and these include ethical code of good business practice, benchmarking tools, and integrity rating frameworks

- DCEO is in the process of domesticating and implementing UNCAC, AU Convention and the SADC Protocol.

Discussion issues

- DCEO solicits support from stake holders and multinational countries for expensive cases and assistance has usually been rendered by South Africa.
- There is no fear of underutilization of the DCEO in its streamlining of offences to only deal with bribery. This is because there all the reported cases are similar in nature and can be investigated under the broad offence of bribery.

Mauritius

Innovations and initiatives

- Development of anti-corruption tools
- Legislative Reforms
- New enactments
- Asset Recovery Act
- Develop allies
- Private sector involvement such as the media and civil society
- Daily renewed Commitment to the fight against corruption
- A Public Service Anti-Corruption Framework (PSACF) to facilitate and accelerate the dissemination and integration of a culture of corruption prevention across the public service was developed in 2009
- Statutory prosecution period is two years

Discussion issues

- There is need to have a definition of public assets and public service aside from what is coming from the treasury.
- ICAC investigates all issues reported that are related to corruption and money laundering

- Recommendations from Director of Public Prosecutions do not affect the process of decision making in ICAC as he has discretionary powers of prosecution and he makes the final decision

Namibia

Innovations and initiatives

- Established the Financial Intelligence Center
- The Anti-Corruption Debating Competition for Secondary schools are held as part of anti-corruption awareness campaigns
- The Commission conducts Corruption Perception Surveys to measure the perception of the public with regard to the prevalence of corruption and their recommendations
- Parliament enacted International Cooperation in Criminal Matters Act, 2000 (Act No 9 of 2000).
- Establishment of informal co-operations with other anti-corruption agencies, through workshops and conferences.

All formal requests for mutual legal assistance are handled by the Directorate of Legal Services and International Co-operation, in the Ministry of Justice.

No major issues came out of the Namibia presentations

Nigeria

Innovations and initiatives

- Anti-corruption treated as part of national governance reforms programme-the transformation agenda of the Federal Government
- Reactive and Proactive
- Adoption of the principle of “Strategic Target for Maximum Impact” -top to bottom approach in investigations and prosecutions
- Focus on assets tracing, forfeiture and return in order to dismantle the corrupt enterprise
- Effective use of the NFIU for financial intelligence key in all investigations

- Effective use of GoAML and GoCASE and the Transaction Clearing Platform (TCP)
- Engagement with the civil society through a special vehicle tagged Anti Corruption Revolution (ANCOR) Campaign. The programme with the slogan “See Something, Say Something and Do Something” has triggered a flurry of whistle blowing activities and ignited Parliamentary Probes into the activities of several agencies of government that has resulted in the exposure of huge corruption cases.

Discussion issues

- There is lack of inter country coordination between Ghana and Nigeria. There are no requests coming from Nigeria for MLA
- The sub region puts strict checks on the criminals and engaged other countries to assist in pursuing criminals. This is where there is need for Nigeria to step in and help by providing information relevant to combating corruption.
- Prioritizing of cases for investigations depends on budgetary allocations and cases which may have a big impact are given priority.
- Cases take too long in the courts because judges are highly technical and pursue issues of Human Rights leaving the material substance of the case and this leads to an increase in pending cases.
- Governors are immune to prosecution until they leave office. However, investigations can be instituted against them and the evidence kept until expiry of their tenure of office for prosecution. A governor who gets impeached from office may not be prosecuted.
- The secret of effective recovery of assets include expertise, good contacts, demonstration of ability and perception of seriousness.

Rwanda

Innovations and initiatives

- Raising public awareness on the evils of corruption through education and sensitization.

- Public and private partnership.
- Creation of anti corruption clubs.
- Creation of cyber café as a channel of reporting injustice and corruption
- District competition on good governance
- Declaration of assets and liabilities
- Publishing corruption convicts
- Monitoring the functioning of public institutions

Discussion issues

- The cyber café innovation was seen as an interesting innovation which many countries should try and use especially for purposes of soliciting support from the youth.

Sierra Leone

Innovations and initiatives

- Systems and process reviews for housing and infrastructure, revenue house and procurement
- Development of citizens Service Charters
- Public policy training for Local Council
- Collaboration with CSOs in media outreach and advocacy programmes.
- National Dialogue Forum
- Good Governance Training for Senior Policy Makers
- Mid-Term Review of the National Anti-Corruption Strategy (NACS) 2008-2013
- Production and construction of ACC Billboards
- Corruption Control Training Workshop for all Paramount Chiefs
- UNCAC Review Implementation Process
- National Training for Journalist in Good Governance and Investigative Journalism
- Development of a new Strategic Plan 2011-2013
- Integrity Management Committees (IMC)

Discussion issues

- In cases where complainants or witnesses are not forthcoming with evidence, it then becomes difficult to continue pursuing the case.
- The Sierra Leone Anti-Corruption Agency has powers to implement punitive measures for MDAs that fail to implement the agency's recommendations on issues of corruption.
- The agency also has punitive measures for people who make malicious reports.
- In the last five years, Sierra Leone has seen an increase in non custodial sentences of those convicted of corruption offences

South Africa

Innovations and initiatives

- Facilitate and assist with concrete legal outcomes to investigations – i.e. criminal (prosecutions) working with the Police (SAPS) and the National Prosecuting Authority (NPA), civil litigation to recover losses, disciplinary action
- Develop close working relationships with Treasury bodies, oversight bodies, Legislatures, individual departments, provinces and other state institutions
- Increasing focus on procurement related fraud and corruption
- Assist with improving systems and processes to prevent corruption
- Use of data to identify potential irregularities pro-actively

Discussion issues

- To ensure that there is no overlapping of responsibilities among the various anti-corruption agencies in South Africa, the agencies sit together to identify each other's unique mandate.
- There is a lot of public sensitization carried out in the country to ensure that members of the public are properly guided as to which institution they should make a particular of corruption. However, most reports are made to the Public Protector.
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Swaziland

Innovations and initiatives

- Examination of organizational structure
- Redesigning performance targets to guide operations
- Prevention of corruption through review of public & private systems
- Re-strategising the Investigations Section
- Putting in place a National Anti-Corruption Policy
- Resuscitation of a Task-Team to look at high profile cases
- Intended intensive training by UNDP and attachments
- On site investigations provided by KPMG

Discussion issues

- The Director of Public Prosecutions prosecutes all the cases in Swaziland. However, before a matter is sent to the DPP's office, the DPP may be requested to give an opinion on how the investigation ought to be conducted. The DPP may also send back the file for further investigation or make recommendations for administrative action by other Ministries, Departments or Agencies (MDAs)
- The Prevention Department of the Swaziland Anti-Corruption Agency also investigates cases particularly where the problem has to do with the systems and procedures.

Tanzania

Innovations and initiatives

- Anti Corruption Annual Forum
- Formation of Integrity committees
- Formation of Civil Societies Coalition against corruption
- Formation of the Anti Corruption Clubs in all secondary schools, teaching collages and in some of the universities
- Capacity building for investigators and 100 prosecutors to enable them handle complex cases
- Cooperation with the international agencies

Discussion issues

There was no discussion from the presentation made by Tanzania

Uganda

Innovations and initiatives

- Anti – Corruption Division of the High Court. Uganda has established a special division of the High Court to try corruption cases. This initiative has hastened the conclusion of corruption cases and has dramatically improved the completion and conviction rate for corruption related cases.
- The heads of institutions have been constituted into the Anti-Corruption Court Users Committee that holds quarterly meetings to discuss and resolve administrative issues that affect dispensation of justice through the Court, with a view to improving on service delivery in the Court.
- An Inter Agency Forum, involving institutions whose mandates have responsibility touching on the fight against corruption, was established for better coordination in the fight against corruption
- Civil Society Organisations play a sensitisation and advocacy role in the fight against corruption in the country.
- The Media has a role to play in fighting corruption through raising awareness on the right to official information, demanding accountability, and exposing suspected corruption

Zambia

Innovations and initiatives

- A set of new Anti-Corruption laws on forfeiture of proceeds of crime, protection of whistleblowers and other corruption matters have strengthened the Legal Framework, enhanced the Penal Provisions, broadened the offences such as abuse of office, and payment for non-delivery of goods
- Introduction of the Special Investigations Unit to Investigate complex corruption cases

- Linking Public Data bases to the ACA
- Collaborating with other institutions in areas of interest (Auditor General)
- Developing an integrated case management system
- Developed a Corruption Vulnerability Assessment and Monitoring Tool aimed at enhancing Service Delivery under the National Integrity Programme
- Random Integrity Checks on public works such as construction of roads aimed at establishing whether the undertaking conforms to agreed upon minimum standards or criteria
- Traditional Leaders are engaged to identify traditional philosophies, beliefs and practices which promote acts of corruption with a view to counter such practices
- Media institutions are invited for monthly briefings and media breakfast activities

Discussions issues

- Media breakfast is not bribing the media but was an effective strategy identified for the media to air their concerns and the ACA to do the same. Resolutions for the way forward would then be made after such a briefing.
- The issue of the appointment of the tribunal to investigate the allegation of suspected corrupt judges in Zambia is before court and therefore ACC cannot comment on it until a ruling is made. The tribunal was appointed by the Republican President and if at the end of it all the findings are such that there is need for the intervention of ACC, the ACA will be ready to take up the challenge.
- Findings of the Random Integrity Checks provide for recommendations to be made to relevant institutions to pursue the avenue of seeking compensation. The last integrity check in which it was found the standards had not been adhered to, the contractor agreed to re do the works at their own cost.

- Compliance by many public institutions to Auditor General's recommendations has been a challenge. In order to address this challenge, there are talks with the AG to have a complaints handling forum for purposes of initiating investigation and enabling the ACC to have access to the findings of the AG before the release of the AG's report to the public.

CHAPTER 5

Country Action Plans

Each country was asked to come with an action plan which the Commonwealth would follow up and ensure that the respective countries make efforts towards implementing their proposed initiatives. An emphasis was made that individual countries should identify innovations which are not being implemented in their anti-corruption bodies so that they could enhance their operations. Below is a table showing the action plan for each country.

COUNTRY ACTION PLANS FOR THE 2ND COMMONWEALTH CONFERENCE FOR HEADS OF ANTI-CORRUPTION AGENCIES

No.	Country	Initiative	Remarks
01	Botswana	<ul style="list-style-type: none"> • Capacitate specialized investigation teams • Enhance intelligence and investigative skills • Enhance computer forensic unit • Embark on bench mark missions to other anti corruption agencies • Request for more slots from Botswana Police Service on the their Financial Investigation Techniques course • Increase the number of community anti corruption clubs and enhance their effectiveness • Complete the National Anti Corruption Strategy 	
02	Cameroon	<ul style="list-style-type: none"> • Integrity Testing Programme • Hotline with contributions from mobile phone operators • Facebook address to communicate with 	

		<p>youths</p> <ul style="list-style-type: none"> • Anti-Corruption Clubs in universities 	
03	Ghana	<ul style="list-style-type: none"> • National Anti-corruption Action plan adopted by Parliament and begin rollout across the country. • Complete the signing of Memoranda of Understanding for increase operational support from the following institutions <ul style="list-style-type: none"> ○ Bureau of National Investigation ○ The financial intelligence Centre ○ Ghana Revenue Authority ○ Ghana Immigration Service • Ensure the passing and implementation of Legal Instrument (LI) and Standard Operating Procedures (SOP) • Build more collaboration with the following institutions: <ul style="list-style-type: none"> ○ Register General ○ Lands Commission ○ National Identification Authority (NIA) 	
04	Kenya	<ul style="list-style-type: none"> • Enhance cooperation with other agencies through improved communication/partnership • Reduce barriers legal or otherwise to cooperation and better partnership. Improve on MLAs whether formal or informal; by designing easy to implement checklists to enhance communication. • Improve engagement with non-state actors without compromising on performance (lead in advocacy for transparency and accountability among the non-state actors. 	

		<ul style="list-style-type: none"> • Make wealth declaration compulsory to all public officers and to have them lodged with an identified authority. • Determine clear cut demarcation between the role of the Anti- Corruption Agency and that of the non-state actors to reduce conflict in interaction and work. • Decentralization of operations to local level to strengthen the monitoring of operations. • Curve good working relationship/partnership with service providers especially the institutions in the communication industry. • Consider provision of a separate budget line for hotlines i.e. separate the expenditures from the main budgetary provisions (dedicated budget free from other votes). Ensure use of simple easy to memorize numbers that are straight forward. • Consider networks and connectivity with key players in data base/ information sharing e.g. EACC to be connected to MOF/KENAO/AG/KRA/AG/ODPP/MOL/MOP W for ease of monitoring action where due especially those that are web-enabled. Creating links through networks. • Provide protection of whistle blowers and complainants including informants and confidants. • Consider pursuit of corruption cases through settlements plea bargaining cases) there is need to be objective, independent and free from influences and interferences. 	
05	Lesotho	<ul style="list-style-type: none"> • Introduction of anti-corruption court division within the high court • Strengthening of integrity systems within the ministries • Development of terms of employment for Directorate staff • Strengthening of institutional capacities of investigations and prosecution 	

		<ul style="list-style-type: none"> • Improvement of the autonomy of the anti-corruption institution 	
06	Mauritius	<ul style="list-style-type: none"> • Special court in Mauritius • Training the media • National Dialogue Programme • Management of Hotline • National Anti-Corruption Strategy – Partnership and training of civil society • Enhance Intelligence Unit 	
07	Mozambique	<ul style="list-style-type: none"> • Improve investigations and prosecutions • Get experiences from other countries 	
08	Namibia	<ul style="list-style-type: none"> • Corruption opinion survey targeting the private sector • Developing a National Anti-Corruption Strategy • Training of investigation officers • Intensifying public awareness campaigns • Intensifying collaboration with other stakeholders 	
09	Nigeria	<ul style="list-style-type: none"> • Non-conviction based asset forfeiture of proceeds of crime • Special courts to try and expedite backlog of corruption cases in regular courts • Strengthening of coalition with civil society groups • Strengthening collaboration with Ghana and other Commonwealth member states. • Access to Nigeria's training facilities 	
10	Rwanda	<ul style="list-style-type: none"> • Preparing anti-corruption week on African level • Installation of new cyber café where they are needed • Follow up the adoption of the anti-corruption policy • Training of staff before the attribution of prosecutorial powers 	
11	South Africa	<ul style="list-style-type: none"> • Tighten funding model • Strategy to capacitate national anti-corruption agencies • Have a body that oversees or advises on overlapping mandates • Explore donor funding • Initiate benchmarking study tours with other ACAs • Create a database for international conferences attended and record all resolutions and commitments taken 	

		<ul style="list-style-type: none"> • Ensure continuity of participation • Follow-up on all resolutions and recommendations • Expedite data base of all MLAs • Follow up all outstanding matters • Circulate a list of all MLA requests per country to respective countries 	
12	Swaziland	<ul style="list-style-type: none"> • Capacitate specialized investigation teams • Capacity building • Mutual Legal Assistance • Asset forfeiture Legislation 	
13	Tanzania	<ul style="list-style-type: none"> • Review of National Anti-Corruption Strategy and plan phase II (NACSAP) in order to start phase III • UNCAC Gap analysis 	
14	The Gambia	<ul style="list-style-type: none"> • Stakeholder sensitization on the draft bill including a national validation workshop • Sensitize cabinet , prepare cabinet paper for cabinet approval • Submission of draft bill to National Assembly for debate and enactment 	<ul style="list-style-type: none"> • June – August • Sept- October • Nov - December
15	Uganda	<ul style="list-style-type: none"> • Improve investigations by adapting Intelligence Driven Investigations (IDI) • Adopt Integrity Testing Programme as a preventive measure and also during vetting of candidates in public offices/ Inspectorate of Government • Involve the private sector in anti-corruption activities through establishment of Business Action Against Corruption or similar initiatives • Linking of data base with those of corruption prone MDAs 	
16	Zambia	<ul style="list-style-type: none"> • Mutual Legal Assistances (Networking) • National Dialogue Forum • Use of focal point persons in districts • Corrupt cases division of the high court • Quarterly case handling institutions forum • Anti-corruption cyber café • Declaration of interest form 	<ul style="list-style-type: none"> • To be undertaken by heads of Anti-Corruption Agencies • To compare with existing Zambia arrangements • To explore • To consult

			<p>with stakeholder</p> <ul style="list-style-type: none">• To consult with Governance Secretariat• To consider in the long run• To consider adopting
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CHAPTER 6

DRAFT CONSTITUTION AND COMMUNIQUE

Commonwealth member states present at the 2nd Conference drafted a constitution for Africa anti-corruption agencies grouping which was tentatively called **THE ASSOCIATION OF ANTI CORRUPTION AUTHORITIES IN COMMONWEALTH AFRICA (AACACA)**. It was then agreed that Mauritius and other selected member countries should find time before the next annual conference and come up with a final constitutions which should then be tabled at the coming event.

A communiqué was also drafted and finalized and read at the end of the conference. The communiqué was also made available to the media. The document contained the following aims and agreements;

1. **We**, the HEADS OF ANTI-CORRUPTION AGENCIES IN Commonwealth Africa, meeting in Livingstone, Zambia from 21st to 25th May 2012,
2. **Aim to:**
 - Provide heads of Anti- Corruption Agencies with a regional network to establish operational contacts and for the exchange of international best practices, new thinking and regional knowledge and experiences;
 - Strengthen relations between anti-corruption agencies in the Commonwealth and appreciate the level of individual country performance and challenges in dealing with corruption;
 - Advance “whole of the community” approach for improving anti-corruption efforts; and
 - Provide an opportunity to examine the complexities of the role of Anti-Corruption agencies in the context of national and international development goals.
3. **Commending** the government of the Republic of Zambia through the Zambia Anti-Corruption Commission and the Commonwealth Secretariat for hosting the 2nd conference bringing together the Commonwealth Heads of Anti-Corruption Agencies,
4. **Recognizing** with deep gratitude the invaluable support and the warm hospitality provided by the host government of Zambia, not least the honour of the presence of the Minister of Home Affairs of the Republic of Zambia Honourable Kennedy Sakeni, MP, on behalf of the President of Zambia, His Excellency Mr. Michael Chilufya Sata, at the opening ceremony,
5. **Having** considered the magnitude of the problems confronting anti-corruption agencies generally,
6. **Noting** the need to take more practical measures in combating corruption on the continent,
7. **Having** exhaustively discussed the objectives and being satisfied that a full exchange of views has taken place on the goals of the conference,
8. **Agreed** and adopted the following resolutions, that;

- Delegates urge member countries to increase the involvement of Civil Society Organisations in the fight against corruption in order to enhance accountability in the implementation of public projects;
- The Commonwealth, working with the United Nations and other international organizations, plays an active role in supporting the Anti-Corruption Agencies in Africa;
- Citizens of Commonwealth Africa are urged to increase institutional and community efforts in order to take full advantage of political will in the fight against corruption; and
- All Commonwealth African countries are urged to enact or enhance legislation that secures the tenure of office of the heads of anti-corruption agencies.

9. **Noting** further and welcoming the variety and diversity of experiences shared agree:

- To support anti-corruption work based on the highest ethical principles aligned with practices of good governance, poverty reduction, sustainable economic growth and political stability;
- To continue the capacity building programme for ACA's investigators in Commonwealth Africa on sub-regional basis;
- To enhance collaborative strategies in sharing expertise in ACAs' comparative advantage, emerging practices and country innovations in the fight against corruption.
- To conduct public opinion surveys of corruption levels in Commonwealth Africa
- To enhance collaboration on Mutual Legal Assistance;
- To strengthen existing special courts for corruption cases and encourage their setting up where they do not currently exist for the speedy disposal of corruption cases
- To conduct research on how to achieve speedy disposal of corruption cases.
- To finalise the development of a draft AACACA constitution for tabling at the next AGM.

10. **Further agree:**

- To conduct a review of institutional arrangements (laws, procedures, etc.) to identify gaps in fighting corruption
- To develop or enhance Anti-Corruption Curricular in schools
- To promote the formation of national umbrella civil society groups with action plan to partner with ACAs to fight corruption

- To engage appropriate Judicial authorities about speedier corruption trials;
- To engage the National Communication Authorities and telephone service providers to put in place an effective hotline system and reporting channels with short and easy to memorize uniform numbers for stress-free access by the public; and
- To accept the offer by **Mauritius** to host the next Conference in 2013 in partnership with the Commonwealth Secretariat.

11. The conference resolved to have **Zambia** as the Interim Chair with membership of the following countries as the Interim Committee, Ghana, Kenya, Nigeria, Mauritius and The Gambia

Zambia accepted the appointment as the interim Chair. In giving her maiden speech as Interim Chairperson of the regional body, Anti-Corruption Commission Zambia Director-General Mrs. Rosewin Wandu committed herself to providing leadership to the interim committee and the entire Association. She also expressed hope that commonwealth member states will give her the support necessary to make her responsibilities manageable.