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**EXECUTIVE COUNCIL**

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**REPORT OF THE ACTIVITIES OF THE AFRICAN UNION  
ADVISORY BOARD AGAINST CORRUPTION**

**AFRICAN UNION ADVISORY BOARD ON  
CORRUPTION**

**المجلس الاستشاري للإتحاد الإفريقي  
لمحاربة الفساد**



**CONSEIL CONSULTATIF DE L'UNION  
AFICAINE SUR LA CORRUPTION**

**CONSELHO CONSULTIVO DA UNIÃO  
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**THE FIFTH REPORT OF THE AU ADVISORY BOARD ON  
CORRUPTION TO THE EXECUTIVE COUNCIL OF  
THE AFRICAN UNION (May 2014)**

**Arusha, Tanzania  
May 2014**

# **THE FIFTH REPORT OF THE AU ADVISORY BOARD ON CORRUPTION TO THE EXECUTIVE COUNCIL OF THE AFRICAN UNION (May 2014)**

## **EXECUTIVE SUMMARY**

1. This Executive Summary is drawn from the Report of the AU Advisory Board on Corruption outlining the main findings on the Implementation of the African Union Convention on Preventing and Combating Corruption (AUCPCC).
2. Good governance was clearly among the objectives and principles of the AU as provided for in the Constitutive Act (AU-CA) adopted in 2000 and entered into force in 2001. The commitment of African leaders to fight corruption is part of the broad determination to enhance good governance and accountability in Africa. The adoption of the AUCPCC in 2003 was an eloquent acknowledgement of the “negative effects of corruption on the political, economic, social and cultural stability of Africa and its effects on the economic and social development of the African peoples”. In addition, the Declaration on the New Partnership for Africa’s Development (NEPAD), which was adopted at the first meeting of the Heads of State and Government Implementation Committee of NEPAD, meeting in Abuja, Nigeria in October 2001, identified corruption as an obstacle to development. As a result, there have been national, regional, and international efforts to prevent and curb its prevalence.
3. Since the early 2000s, African states have made commitments to improve governance through the establishment of a host of benchmarks and parameters for assessing progress on a core set of governance variables. One such initiative was the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), adopted by the OAU Assembly of Heads of state and government in July 2000 and intended to be a policy development process created to function within the framework of the OAU. Both the Development and Cooperation calabash and the Security and Stability calabash of the Conference adopted subsequently contained principles, undertakings with timelines, performance indicators and criteria for assessing implementation. In addition, the African Peer Review Mechanism (APRM), as a process of the AU, also established benchmarks and parameters for assessing progress. The APRM process regards corruption as a cross-cutting and overarching issue that pervades and informs all realms of governance and thus buttresses implementation of the AUCPCC. It is thus important to understand how AUCPCC has been implemented for the amelioration of the scourge of corruption and thus helping to build accountable, participatory, and transparent institutions in Africa.
4. To this end, the main objective of this report is to examine the institutions and mechanisms that State Parties have established to prevent and fight corruption in line with some of the key provisions of the AUCPCC.

## **Methodology**

5. Pursuant to Article 22 (5) AUCPCC which, provides for functions and tasks of the AUABC, base-line questionnaires intended to assess the state of affairs with regard to corruption and related offenses in State Parties were sent out in 2010/2011. To date, only thirteen (13) States Parties have submitted feedbacks. These include Algeria, Congo-Brazzaville, Ghana, Malawi, Namibia, Rwanda, Sierra Leone, South Africa, Tanzania, Togo and Zambia.
6. Lessons from the above state of affairs pointed to the need for a more enhanced approach to assess the status of implementation of the AUCPCC. As such, the AUABC embarked on a study on twenty seven (27) countries that have ratified the AUCPCC and are in the process of implementing its core principles and provisions. These include Algeria, Benin, Burkina Faso, Burundi, Cameroon, Comoros, Congo, Cote d’Ivoire, Ethiopia, Gabon,

Ghana, Guinea, Kenya, Lesotho, Liberia Malawi, Mali, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sierra Leone, South Africa, Tanzania, Uganda, and Zambia. Data was drawn from multiple sources and entailed synthesizing published and unpublished reports. .

7. This report focuses on the following articles: Article 5: Legislative framework and other measures, Article 7; Fighting corruption and related offences in the Public Service, Article 9: Access to information, Article 10: Funding of political parties, Article 11: Role of private sector, and Article 12: Role of civil society and the media. Out of the substantive 22 articles of the AUCPCC, the focus is only on these 6 articles as a preliminary step in establishing progress on implementation. Future reports will address the rest of the articles where information is available.

8. As will be observed in the following section, the AUABC has synthesized the common trends, convergences, and divergences in the implementation of the AUPCC from the responses to the questionnaires and other official sources. Further, this report speaks to evidence-based research aimed at verifying existing reports and producing information on the nature and scope of corruption prevention in Africa. The AUABC is of the view that working with relevant AU and other regional and national bodies is important in building partnerships with other stakeholders in the fight against corruption and related offences.

## **EMERGING COMMON TRENDS AND STRATEGIC LESSONS IN STATE PARTIES**

### **Article 5: Legislative Framework and Other Measures**

9. State Parties that have succeeded in underwriting strong institutions for accountability, transparency, and probity have also made significant progress in combating corruption. They have supplemented these legislative frameworks with broad-based national campaigns to heighten awareness and mobilize their populations against corruption. All 27 countries have adopted anti-corruption legislations to underpin anti-corruption measures. Although some of them established legislative frameworks to fight corruption in the late 1990s, most of the State Parties embarked on major legislative reforms over the past decade, coinciding with the adoption of the AUCPCC.

10. Some State Parties have promulgated substantive revisions and amendments to their laws to reflect changes and conditions in the global anti-corruption arena. In all State Parties, corruption has been addressed through legal, organizational, and institutional reforms.

### **Article 7: Fighting Corruption and Related Offences in the Public Service**

11. Broad public service reforms that have rationalized administrative procedures, strengthened methods of control and regulation, and increased efficiency in the delivery of services have added value to the fight against corruption. So has the proliferation of Citizen's Charters that have increased public accountability mechanisms and improved the quality of public services.

### **Article 9: Access to Information**

12. Since the provision of accurate, relevant, and timely information is an important component of transparency, the enactment of Freedom of Information (FOI) legislations has constituted a fundamental ingredient in the fight against corruption. The popularity of FIO laws among the State Parties is testimony to the growing acknowledgement that citizens cannot demand accountability if governments do not make available essential information on resource allocation and service delivery.

13. Alongside measures to facilitate public access to information, most of the 27 State Parties have enacted Whistle Blowers laws that protect those on the frontlines of efforts to combat corruption. Whistle-blowing, the act of exposing fraud, waste, abuse or other misbehaviour, is on the rise in Africa and State Parties have demonstrated its increasing significance.

#### **Article 10: Funding of Political Parties**

14. Public funding of political parties is recognized as an important element in levelling the political playing field, reducing the disproportionate role of money in politics, and increasing mass confidence in electoral processes. The AUCPCC suggests the proscription of funds acquired through illegal practices and the incorporation of transparency principles into funding of political parties. Most of the State Parties have embraced these principles.

#### **Article 11: Private Sector**

15. The role of the private sector in anti-corruption initiatives illustrates how State Parties have established measures to improve corporate governance. The role of this sector also hinges on its strength in the economy, relationship with the public sector, and contribution to national efforts to promote economic growth, equitable, and participatory development. Equally significant, in most State Parties, the private sector has curbed corruption through its ability to work with other actors to promote a legal and regulatory environment conducive to transparent business practices as well as taking effective measures to regulate itself. State Parties that have made progress in engaging the private sector to reduce corruption have established strong public-private partnerships (PPPs).

#### **Article 12: Civil Society and Media**

16. As watchdog institutions, civil society and the media rely on access to information. Political and administrative reforms to fight corruption have made a difference where they have been accompanied by steps to strengthen countervailing constituencies and actors around corruption control, particularly civil society and the media. Civil society participation in anti-corruption activities is a key aspect of civic responsibility and an invaluable resource in anti-corruption campaigns. Steps to increase the media's role in anti-corruption are closely related to the existence of FOI and whistle-blower institutions.

### **REPORT OF THE AU ADVISORY BOARD ON CORRUPTION TO THE EXECUTIVE COUNCIL OF THE AFRICAN UNION**

#### **I. INTRODUCTION**

17. The African Union Advisory Board on Corruption (AUABC) was established by Article 22(5) (a) of the African Union Convention on Preventing and Combating Corruption (AUCPCC), adopted by the Second Ordinary Session of the Assembly of the Union in Maputo, Mozambique in July 2003 and entered into force on 5 August 2006, thirty (30) days after the deposit of the fifteen (15<sup>th</sup>) instrument of ratification. To date, only Thirty-four (34) member States have ratified and are State Parties to the Convention.

18. In accordance with Article 22(5) of the Convention, the functions and tasks of the Board are, *inter alia*, to:

*“promote and encourage the adoption of measures and actions by States Parties to prevent, detect, punish and eradicate corruption and related offenses in Africa” and to “submit a report to the Executive Council on a regular basis on progress made by each State Party in complying with the provision of this Convention”.*

**19.** This is the fifth report of the AUABC to the Executive Council. It presents our activities, challenges and prospects in the implementation of our mandate for the period 1 August 2012 to 31 December 2013.

## **II. THE AUABC, ITS COMPOSITION, FUNCTIONS AND ORGANISATION**

### **Composition**

**20.** Board is composed of 11 members, each proposed by States Parties and elected by the Executive Council from a list of experts. The Board Members should be of the highest integrity and impartiality, as well as, recognized competence in matters relating to preventing and combating corruption and related offences. For the election of Board Members, the Executive Council shall ensure adequate representation of women, and equitable geographical representation. The members of the Board are independent personalities who serve in their personal capacity. They are appointed for a period of two years, renewable once. The first Board was appointed in January 2009 and the current one, which is the third, was elected on 31<sup>st</sup> January 2013 for the period of two (2) years.

### **Functions**

**21.** Functions of the AUABC, which has clearly been stated out in Article 22 (5) of the Convention, are to:

- Promote and encourage adoption and application of anti-corruption measures on the continent;
- Collect and document information on the nature and scope of corruption and related offences in Africa;
- 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;
- Advise governments on how to deal with the scourge of corruption and related offences in their domestic jurisdictions;
- Collect information and analyze the conduct and behavior of multi-national corporations operating in Africa and disseminate such information to national authorities designated under Article 18 (1) of the Convention hereof;
- Develop and promote the adoption of harmonized codes of conduct of public officials;
- 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;
- Submit a report to Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of The Convention;
- Perform any other task relating to corruption and related offences that may be assigned to it by the policy organs of the African Union.

## **Organization: Bureau and Executive Secretariat:**

### **The AUABC Bureau**

**22.** The Board elects from among its members a Bureau comprising a Chairperson, a Vice-Chairperson and a Rapporteur. Members of the Bureau are appointed for a period of one (1) year. The Bureau ensures the planning and coordination of the activities of the Board necessary to execute its functions under Article 22 (5) of The Convention. The Bureau may represent the Board in regional and international conferences or meetings related to its functions and mandate. The Bureau may, after informing the African Union Commission (AUC) and on behalf of the Board, conclude partnerships and cooperation arrangements with other organizations or regional or international institutions pursuing similar goals.

### **Establishment of the current Board:**

**23.** The current Board which is the third was elected in Addis Ababa, Ethiopia on 31<sup>st</sup> January 2013 for the period from 2013-2014 as is constituted as follows:

Mr Jean Baptiste ELIAS	:	Chairperson, Benin
Mr M'Pèrè DIARRA	:	Vice-Chairperson, Mali
Ms Angèle BARUMPOZAKO	:	Burundi
Ms Akossiwa AYENA	:	Togo
Mr Ali Sulaiman MOHAMED	:	Ethiopia
Dr. Edward Hoseah	:	Tanzania
Mr Jacques III ACHIAOU	:	Côte d'Ivoire
Ms Julie ONUM-NWARIAKU	:	Nigeria
Mr Simon-Pierre NZOBABELA	:	Congo
Mr Salem BEN-GHARBIA	:	Libya
Dr. Tony AIDOO	:	Ghana

### **The Secretariat of the Board**

**24.** The Secretariat, which provides substantive, professional, administrative, and logistical support to the Board, is managed by an Executive Secretary. Its organizational structure conforms with the general policies and guidelines of the African Union and is designed to be staffed by professional, technical and administrative personnel. The staff is currently constituted as follows:

- One (1) Executive Secretary, P6 (funded by Member States);
- One (1) Senior Policy Officer, for Legal and Political Matters, P3 (funded by Member States);
- One (1) Assistant Accountant, GSA (funded by Member States);
- One (1) Documentalist, P1 (funded by Member States);
- One (1) Driver Messenger, GSB (funded by Member States);
- One (1) Librarian, P2 (funded by SIDA/Sweden);
- One (1) Bilingual Secretary, GSA (funded by SIDA/Sweden);
- One (1) IT Specialist, P2 (funded by SIDA/Sweden);
- One (1) Communication Specialist (intern);
- One (1) IT-Assistant (intern);
- One (1) Legal Officer (intern).

**25.** The Board is of the considered view that the Secretariat of the Board as it is constituted now, is in need of recruitment of more staff including the following:

One (1) Senior Policy Officer, for Economic Matters, P3 (as already included in the adopted Structure of the Secretariat);

Three (3) Researchers, P4 (to be proposed for adoption in a new structure for the Secretariat);

One (1) Protocol Officer, P1 ((to be proposed for adoption in a new structure for the Secretariat);

Three (3) Office Assistants, P1, for Protocol, IT, and Security.

## **Funding**

**26.** As regards funding, the Board appreciatively notes that the Board's 2014 Budget increased from 470,486 US\$ for cost for staff and operational budget and from zero to 1,015 US\$ for programme budget. Despite this substantial progress the budget allocated for the meetings of the Board remains regrettably at 180,000 US\$, allowing only the holding of two (2) Board's meetings annually, a situation which is far from satisfactory, specially, as the Board rules of procedure recommended the holding of a minimum of four (4) meetings per year.

## **III ACTIVITIES, ACHIEVEMENTS AND CHALLENGES**

**27.** Since its establishment, the AUABC has made some progress, with regard to the articulation of its mandate and designing the *modus operandi* for engaging with the AU and its Member States. The Board has also been faced with the daunting challenge of the non-ratification of the African Union Convention on Preventing and Combating Corruption (AUCPCC) by member States. To date, ten (10) years since the adoption of the AUCPCC, only thirty-four (34) States have ratified the Convention, representing just about sixty (60) percent of AU total membership. This low level of ratification would seem to suggest a lack of political will in the fight against the scourge of corruption.

**28.** The Board's mandate includes the coordination of anti-corruption activities of Member States of the Union. This is an enormous task that would require undertaking field visits to thirty-four (34) States parties to the AU Convention. Activities during such visits would include compiling and analysing relevant regulatory mechanisms and conducting interviews to assess the level of implementation of the Convention in the concerned countries, in order to report to the Executive Council on the progress registered in the fight against corruption in the continent. For this exercise, and in order to be efficient and successful, the Board requires adequate resources, in terms of finances as well as human resources. Even though, progress has been made, in terms of resource mobilization, the Budget allocated to the Board is still not sufficient to enable it to carry out its mandate in a satisfactory manner. An effective implementation of the Board's mandate depends largely on availability of adequate funding and technical capacity. The Board requires funds in order to recruit staff for the Secretariat, carry out evaluation and advocacy missions to Member States of the Union, in furthering of its reporting mandate, and also to carry out awareness campaign on the Convention.

### **Activities carried out since July 2012:**

**29.** The activities of the AUABC are organized around four the (4) axis of the AUABC's Strategic Plan for 2011-2015 and these are:

Strategic Axis (1): Support to the implementation of the Convention;

Strategic Axis (2): Awareness-raising on the Convention and visibility of the Board;

Strategic Axis (3): Building Partnerships;



**Support to the implementation of the Convention [Strategic Axis (1)]:**

**30.** A Questionnaire was sent to Thirty-four (34) States Parties to assess the level of implementation of the African Union Convention on Preventing and Combating Corruption. Only eighteen (18) have sent back their responses. These include Algeria, Burkina Faso, Comoros, Congo-Brazzaville, Gabon, Ghana, Guinea, Madagascar, Mali, Malawi, Namibia, Uganda, Rwanda, Sierra Leone, South Africa, Tanzania, Togo and Zambia. A note verbal was sent to twenty-five (25) Member States of the Union to inform of the readiness of the AUABC to send missions to assess the level implementation of the Convention, to identify the challenges and opportunities experienced or to encourage non-States Parties to ratify the Convention. Only 6 States Parties responded positively to welcome the mission. These Missions were then sent to Burundi, Cote d'Ivoire, Cameroon, Brazzaville, and Lesotho.

**31.** Capacity development of National Anti-Corruption Authorities:

- The Pan-African Network of National Anti-Corruption Commission, the Association of African Anti-Corruption Authorities (AAACA), was set upon 15<sup>th</sup> September 2013, with the active support (financially as well as technically) of the Secretariat of the AUABC.
- The Fifth (5<sup>th</sup>) AUABC Report on the progress in States Parties in fighting corruption will be presented to the AU Executive Council in July 2014. This includes a description of the state of affairs relating to the fight against corruption in States parties and even Member States of the Union. An African Anti-Corruption Model Law is under development as a collaborative effort between AUABC and UNECA.

**Awareness-raising on the Convention and visibility of the Board [Strategic Axis (2)]:**

- An AUABC Database and Website ([www.auanticorruption.org](http://www.auanticorruption.org)) has been developed since July 2013;
- A Library has been set up at the AUABC Secretariat, in Arusha, Tanzania since October 2013;
- Exhibition at various international fora including AU Summit (Addis Ababa, Malabo); T-Shirts, caps and other materials were distributed.

**32.** Members of the AUABC have participated in various International Conferences and Symposia:

- Commemoration of the International Anti-Corruption Week in Kigali, Rwanda, 5<sup>th</sup> to 9<sup>th</sup> December 2012;
- Organization of an International Workshop: The Media and the challenges of transparency and accountability in the public sphere in Africa", 5<sup>th</sup> to 6<sup>th</sup> December 2013, in Kigali, Rwanda (in a joint venture with UNECA);
- Youth Essay Competition and Award Ceremony for winners on 9<sup>th</sup> December 2012, in Kigali, Rwanda;
- Production of leaflets (The Board in brief) in English and French, Arusha, May 2013;

- Youth Essay Competition and Awards Ceremony for winners on 9<sup>th</sup> December 2013, in Arusha, Tanzania;
- Production of a video documentary films series on the “Fight against Corruption in Africa: The role of the AUABC”, to be released in December 2013;
- Celebration of the 10<sup>th</sup> Anniversary of the African Union Convention on Preventing and Combating Corruption.

#### **Building Partnerships [Strategic Axis (3)]:**

- The AUABC participated with a delegation of four (4) people to the International Anti-Corruption Conference, held in Brazil, November 2012;
- Visit of the AUABC Secretariat to APRM Secretariat in Johannesburg, South Africa, in June 2013 to strengthen bilateral ties;
- The AUABC Secretariat participated in “Technical Meeting of the African Union Governance Architecture, June 2013, in Abuja, Nigeria;
- The AUABC Secretariat participated in the Fourth East African Community (EAC) Annual Conference on Good Governance in July 2013, in Kigali, Rwanda;
- The AUABC Secretariat participated in the Meeting of the Governance Cluster of the Regional Coordination Mechanism, in July 2013, in Kuriftu, Addis Ababa, Ethiopia;
- The AUABC Secretariat participated in a Sub-regional Training workshop on Corruption and Human Rights in August 2013, in Yaoundé, Cameroon;
- The AUABC Secretariat participated in the “Regional Parliamentary meeting on African Governance Platform and Promotion of African Union Legal Instruments, in September 2013, in Maputo, Mozambique.

#### **Organizational Efficiency of the Board, Monitoring & Evaluation [Strategic Axis (4)]:**

**33.** The Secretariat of the AUABC has been relocated to Arusha, Tanzania since February 2013, following the signature of the Host Agreement between the Government of the United Republic of Tanzania and the African Union Commission, in January 2013.

**34.** The staff of the Secretariat is currently constituted as follows:

One (1) Executive Secretary, P6 (funded by Member States);  
 One (1) Senior Policy Officer, for Legal and Political Matters, P3 (funded by Member States);  
 One (1) Assistant Accountant, GSA (funded by Member States);  
 One (1) Documentalist, P1 (funded by Member States);  
 One (1) Driver Messenger, GSB (funded by Member States);  
 One (1) Librarian, P2 (funded by SIDA/Sweden);  
 One (1) Bilingual Secretary, GSA (funded by SIDA/Sweden);  
 One (1) IT Specialist, P2 (funded by SIDA/Sweden);  
 One (1) Communication Specialist (intern);  
 One (1) IT-Assistant (intern);  
 One (1) Legal Officer (intern).

## **PROGRESS TO COMBAT CORRUPTION IN STATE PARTIES**

**Matrix – Highlighting Progress Made by State Parties to  
Promote Some Provisions of the AUCPCC**

**Table 1 : Legislative Framework and Other Measures (Article 5)**

<b>Country</b>	<b>Column A: Is there Anti-Corruption Legislation?</b>	<b>Column B: Which are the bodies responsible for administration and enforcement of the legislation?</b>
<b>Algeria</b>	Yes	Anti-Corruption Commission (ACC)
<b>Benin</b>	Yes	National Organization Front for the Fight Against Corruption (FONAC), National Consultative Commission on Administration Reform:(ANLC 2007)
<b>Burkina Faso</b>	Yes	National Policy on Good Governance (NPGG), Public Markets Regulation Authority, 2007
<b>Burundi</b>	Yes	Special Anti-Corruption Brigade together with Anti-Corruption clubs
<b>Cameroon</b>	Yes	National Anti-Corruption Commission (NACC, 2006); Change Habits, Oppose Corruption (CHOC)National Agency for Financial Investigation (ANIF, 2005)
<b>Comoros Island</b>	Yes	Anti-Corruption Commission;
<b>Congo</b>	Yes	Anti-Corruption Advisory Observatory (OAC, 2009): also member of Organization for the Harmonization of Business Law in Africa (OHBLA)
<b>Cote d'Ivoire</b>	Yes	High Authority of Good Governance, 2013) : Inter-Governmental Action Group against Money Laundering in West Africa related activities (GIABA)
<b>Ethiopia</b>	Yes	Federal Ethics and Anti-Corruption Commission (FEACC, 2001)
<b>Gabon</b>	Yes	National Commission for the Fight against Illicit Enrichments, (2003): also a signatory to Organization for the Harmonization of Business Law in Africa (OHBLA)
<b>Ghana</b>	Yes	Ghana Integrity Initiative: Ghana Anti-Corruption Coalition: Anti-Corruption Coalition and Presidential Decree on Zero Tolerance for Corruption
<b>Guinea</b>	Yes	National Agency for the Fight against Corruption:
<b>Kenya</b>	Yes	Ethics and Anti-Corruption Commission (EACC): Kenya Anti-Corruption Advisory Board (KACAB) Permanent National Anti-Corruption Campaign Steering Committee (PNACCSC
<b>Lesotho</b>	Yes	Directorate of Corruption and Economic Offences (DCEO, 2003), Office of Ombudsman, Office of the Accountant General
<b>Liberia</b>	Yes	The Liberia Anti-Corruption Commission (LACC): constitutional General Auditing Commission (GAC). National Bureau of Concessions
<b>Malawi</b>	Yes	Anti-Corruption Bureau (ACB, 1995)
<b>Mali</b>	Yes	Auditor General, 2003
<b>Mozambique</b>	Yes	Central Office to Fight Corruption (Gabinete Central de Combate a Corrupcao, GCCC, 2006): National Anti-corruption Forum
<b>Namibia</b>	Yes	Anti-Corruption Commission (ACC): Anti-Money Laundering Advisory Council
<b>Niger</b>	Yes	High Authority for the Fight against Corruption and Related Offenses (HALCIA)
<b>Nigeria</b>	Yes	Independent Corrupt Practices and other Related Offences Commission (ICPC): Economic and Financial Crimes Commission (EFCC) Intelligence Unit (NFIU)
<b>Rwanda</b>	Yes	Office of the Ombudsman: Office of Auditor General
<b>Sierra Leone</b>	Yes	Anti-Corruption Commission (ACC, 2008): Office of the Ombudsman
<b>South Africa</b>	Yes	Anti-Corruption Forum: and 11 other organizations which have ant-corruption as part of their mandates
<b>Tanzania</b>	Yes	Prevention and Combating of Corruption Bureau (PCCB)
<b>Uganda</b>	Yes	Inspectorate of Government (IGG): Directorate of Ethics and Integrity (DEI): Inter Agency Forum (IAF)
<b>Zambia</b>	Yes	Anti-Corruption Commission (ACC): Office of the Auditor General

**35.** State Parties from Algeria to Zambia have established laws that target corruption, money laundering, financial crimes, and terrorism. Most State Parties have multiple legislations to cover these distinctive facets of illegal activities as stipulated in the AUCPCC. With regard to corrupt practices, however, there are differences among State Parties in terms of single or multiple legislative frameworks. The examples of single legislation are: Congo's Anti-Corruption Law that created the Anti-Corruption Advisory (OAAC); Ethiopia's Federal Ethics and Anti-Corruption Act, which established the Federal Ethics and Anti-Corruption Commission (FEACC); Lesotho's Prevention of Economic Crimes and Offences Act, that created the Directorate of Corruption and Economic Offences (DCEO); Malawi's Corrupt Practices Act which established the Anti-Corruption Bureau (ACB); Mozambique's Anti-Corruption Act that established the Central Office to Fight Corruption (GCCC); Namibia's Prevention of Organized Crimes Act which created the Anti-Corruption Commission (ACC); Nigeria's Corrupt Practices Act and Other Related Offences Act that created three main anti-corruption institutions; and Sierra Leone's Anti-Corruption Act that created the Anti-Corruption Commission (ACC). Likewise, Benin, Burkina Faso, Côte d'Ivoire, Guinea, Gabon, Niger, and Rwanda have relied primarily on the Penal Code to anchor anti-corruption institutions. The examples of State Parties with multiple legislations are: Algeria; Burundi, Cameroon, Comoros, Kenya, South Africa, and Uganda.

**36.** Almost all State Parties have money laundering and financial crimes legislations. Among the most prominent ones are: Algeria's Framework Law on the Prevention and Combating of Money Laundering and Funding of Terrorism; Côte d'Ivoire's Financial Intelligence Unit (CENTIF); Cameroon's National Agency for Financial Investigations (ANIF); Liberia's Anti-Money Laundering and Countering Terrorist Financing Act (AML/CTF); Namibia's Financial Intelligence Act (FIA); Nigeria's Money Laundering Prohibition Act; Tanzania's Anti-Money Laundering Act; and South Africa's Financial Intelligence Centre Act. A number of State Parties--Comoros, Congo, Côte d'Ivoire, Gabon, and Guinea--are signatories to the Organization for the Harmonization of Business Law (OHBLA) that regulates the role of foreign companies operating in their domains.

**37.** In addition to legislative frameworks, State Parties have instituted national consultative commissions, policies, and campaigns as key elements of anti-corruption efforts. These include: Benin's National Organization Front for the Fight Against Corruption (FONAC) and the National Consultative Commission on Administrative Reforms (ANLC); Burkina Faso's National Policy on Good Governance (NPGG); Burundi's Special Anti-Corruption Brigade; Cameroon's Change Habits, Oppose Corruption (CHOC); Ghana's Anti-Corruption Coalition and Presidential Decree on Zero Tolerance for Corruption; Mozambique's National Anti-corruption Forum; Kenya's Permanent National Anti-Corruption Campaign Steering Committee (PNACCSC); and South Africa's National Anti-Corruption Forum (NACF). Other State Parties have adopted overarching national plans for anti-corruption, for instance: Burkina Faso's National Anti-Corruption Policy; Ghana's National Anti-Corruption Plan, 2012-20122, (NACAP); Malawi's National Anti-Corruption Strategy (NACS), and Tanzania's National Anti-Corruption Strategy and Action Plan, 2000-2005 (NACSAPI) and 2006-2013 (NASCAPII).

**Table 2 : Fighting Corruption and related Offenses in the Public Service (Article 7)**

<b>Country</b>	<b>Is there provision for disclosure of assets and repercussions for engaging in corruption?</b>	<b>Have measure relating to public procurement been implemented?</b>
<b>Algeria</b>	Yes	Proof is required from public agents whose assets are proportionally higher than their legitimate income. Obligation includes senior government officials, the president, parliamentarians, members of the constitutional council, head and elected representatives of popular assemblies; Law condemns illicit enrichment and criminalize corruption as well as acceptance of gifts that are prejudicial to the normal performance of duties.
<b>Benin</b>	Yes	Top authorities, civil servants, central directors of the administration, project managers and accountants of any public body are required to disclose assets when assuming and leaving office. Disciplinary measures taken against officials found guilty of corruption
<b>Burkina-Faso</b>	Yes	Criminal code punishes administrative, judicial, military and elected officials who engage in corruption. President of Burkina Faso is required to submit a written declaration of his assets to the president of the constitutional council. Other officials also required to declare assets.
<b>Cameroon</b>	Yes	Government officials required to declare their wealth at the start and end of their terms in office. These include the president, prime minister, members of government, president and members of the national assembly, the president and members of Bureau of the Senate, parliamentarians, senators, all elective officers, Secretaries General of ministries, directors, Directors of the Central Administration, Directors General of Public and parastatal companies, magistrates, staff of the administration in charge of fiscal recoveries, all those in charge of taxable income, officials in charge of fiscal recoveries and managing public funds
<b>Comoros Island</b>	Yes	Officials have to annually declare their assets as well as those of their families within 3 months of employment
<b>Congo</b>	Yes	Every citizen elected or appointed to high public office have to declare their assets when taking office and at the end
<b>Coted'Ivoire</b>	Yes	Currently the president is the only public official who is required to declare his assets. However parliament is considering a draft code of conduct for public officials that will include illicit enrichment and asset declaration. Significant reforms regarding public procurement led to adoption of a new public procurements code as well as the establishment of the National Authority for Public Procurement Regulation (ARMP).
<b>Ethiopia</b>	Yes	Anti-corruption is linked to civil service reform. Senior government officials are required to have their entire assets as well as those of their close family members registered by the Federal Ethics and Anti-Corruption Commission (FEACC). Failure would result to criminal charges, prison terms and fines. The president, prime ministers, ministers, state ministers, deputy ministers, commissioners, governors of the central bank and other top executive officials are not exempted from the exercise.

<b>Gabon</b>	Yes	Declaration of assets by trustees of the authority of the state is required. Misconduct would result to penalties ranging from a fine and removal from office. Sanctions for any act of dishonesty committed by an official are provided through the disciplinary board.
<b>Ghana</b>	Yes	Simplified procedures in delivery of public services, prompt investigation of corruption allegations, streamlined procurement procedures, enforced leadership code of conduct
<b>Guinea</b>	Yes	Public servants including the president and ministers are required to declare assets before and after taking office. Transparency in government procurement is regulated
<b>Kenya</b>	Yes	Public servants suspected of abusing office have to resign. Civil servants are required to declare their wealth. Meritocratic recruitment and promotion of public officials is required. Government in the process of creating a requisite legal and institutional structures for effective prosecution of offenders. Ethics and governance committee of the judiciary established to collect information to determine the level of corruption in the judiciary, report on individual cases and recommend remedial measures. Public service witnessed wide-ranging reforms such as public financial management (PFM) systems and Public Procurement Oversight Authority (PPOA)
<b>Lesotho</b>	Yes	Public officials are required to dispose of direct and indirect financial interests in any undertaking as well as interests which are incompatible with the discharge of public duties.
<b>Liberia</b>	Yes	Assets, income and liabilities declaration by the President, Vice President, Ministers, Deputy Ministers, Assistant Ministers, and Commissioners. They are required to declare every two years. Prosecution of individuals for providing false and misleading information. The Public Procurement and Concessions Commission (PPCC) was created to oversee both procurement of goods and services. General Accounting Commission (GAC) guaranteed the independence by making it to report to the legislature.
<b>Malawi</b>	Yes	Offences targets corrupt practices by public officers, corrupt practices with public officers, corrupt use of official powers, misuse of public office, public officers performing functions corruptly
<b>Mali</b>	Yes	Only president and ministers before taking office to be renewed each year for the duration of their time in office.
<b>Mozambique</b>	Yes	Mandatory for the president and other high ranking official to declare their assets to the constitutional council not less than 30 days after the assumption of office. Compulsory for all government members as well as their spouses and legal dependents to disclose their assets. Government officials prohibited from having external incomes or from being board members of other than charitable and educational institutions. Public procurement well-regulated with provisions relating to requirements for competitive bidding, mandatory professional training, complaints procedures and rules for debarment of companies found guilty of violating procurement regulations.
<b>Namibia</b>	Yes	Regulation governing gifts and hospitality offered to civil servants. Only members of parliament, the Director and Deputy Director of the Anti-Corruption Commission are required to declare their assets. Head of State is exempted. Civil servants are not allowed to hold positions in the private sector while employed by the state. Public officials are trained on matters of ethics.

<b>Niger</b>	Yes	Asset disclosure and regulations governing the offering and receiving of gifts for members of the executive, parliament and legislature. Monitoring of public officials through the collection and verification of annual asset declarations. All public servants are required to file asset disclosure forms although declarations are not made public.
<b>Nigeria</b>	Yes	Public availability of Auditor General's reports "generate political pressure to act in response to the problems identified". Public officials implicated in corruption have been previously prosecuted. State officials are required to declare assets to the Ombudsman. In having access by virtue of their office to all documents of the government and their departments, the Auditor General plays a vital role in identifying administrative weaknesses and irregularities.
<b>Rwanda</b>	Yes	The Anti-Corruption Commission is unique. It has prosecutorial powers. Since its formation, ACC has engaged in hard-hitting and high-profile prosecutions. In addition, scope of corruption has been broadened to include influencing peddling, possession of unexplained wealth and bid-rigging in procurement. It is compulsory for civil servants to declare their wealth. ACC is empowered to compel the production of documents including records in electronic form, and summon witnesses and examine them under oath. ACC can also require the person under investigation or those related to the person under investigation to provide statements of expenditure incurred in respect of himself, his spouse/parents or children of all income earned during a specified period and the amount of tax paid on such income. Failure to provide such information or providing false statements attracts penalties which includes a fine and/or imprisonment. ACC has also streamlined procurement procedures.
<b>Sierra Leone</b>	Yes	Oversight roles of the Auditor General, Parliament's Standing Committee on Public Accounts (SCOPA) and the independent office of the Public Protector guarantee that the public sector including politicians are held accountable. Inter-Ministerial Committee on Corruption (public service and administration, justice, safety and security and constitutional development) has the mandate to consider proposals for the implementation of an anti-corruption campaign at national and provincial levels.
<b>South Africa</b>	Yes	Oversight roles of the Auditor General, Parliament's Standing Committee on Public Accounts (SCOPA) and the independent office of the Public Protector guarantee that the public sector including politicians are held accountable. Inter-Ministerial Committee on Corruption (public service and administration, justice, safety and security and constitutional development) has the mandate to consider proposals for the implementation of an anti-corruption campaign at national and provincial levels.
<b>Tanzania</b>	Yes	All public officials including Ministers, Permanent Secretaries, Director General, Attorney General, Chief Justice and Judges are required to declare their assets to the Ethics Secretariat including but not limited to cash deposits in a bank or any financial institutions, real estate and dividends. Members of government are required to file annual asset statements. Every institution is required to make enforceable codes of conduct for its employees.
<b>Uganda</b>	Yes	Public officials are required to regularly declare their assets. Political leaders are required to declare their incomes, assets and liabilities. The Inspectorate of Government (IGG) functions as ombudsman and has power not only to investigate, arrest and prosecute cases involving corruption or abuse of authority or public office but also to gain access to documents whenever necessary. IGG also has powers to inspect and freeze bank accounts, search, order for production of documents, take evidence on oath put restrictions on any property among others. Public Procurement and Disposal of Public Assets Authority (PPDA) oversees matters regarding procurement.



<b>Zambia</b>	Yes	<p>Only members of parliament, ministers and a few selected public officials such as judges declare their personal assets on assumption of public offices. However, there are discussions with regard to enacting legislation that will require all public officers to declare their assets periodically .public officials are still not subject to financial disclosure laws, even though presidential candidates are required to disclose financial assets. Ministerial, provisional, institutional and public tender committees have been put in place as well as public open tender procedures aimed at transparency in tender processes. The Office of the Auditor-General (OAG) audits the accounts related to the general revenues of the country. However it cannot impose sanctions against public officials who have misused, misapplied or embezzled public funds. It can only refer cases to the relevant authorities for sanctions to be imposed.</p>
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## **Article 7: Fighting Corruption and Related Offences in the Public Service**

**38.** With very few exceptions, all State Parties have enacted Leadership and Ethics Codes to provide the templates for anti-corruption initiatives in the public service. Cameroon, Ethiopia, and Malawi have pioneered ethical divisions in government ministries and departments to spearhead integrity measures. Likewise, almost all State Parties have asset declaration provisions for public officials. The differences emerge, however, over whether such declarations are partial or comprehensive. Among State Parties that have partial asset declaration provisions are: Côte d'Ivoire which currently only requires presidents to declare their assets; Mali, where only the president and ministers declare their assets; Namibia, where only members of parliament and the Director and Deputy-Director of the Anti-Corruption Commission (ACC) can declare their assets; and Zambia that permits only members of parliament, ministers, and a few selected public officials to declare their assets periodically. Comprehensive asset declarations tend to include all public officials. For instance in Algeria, Benin, Cameroon, Congo, Guinea, Liberia, Mozambique, Nigeria, Tanzania, the law prescribes asset declaration by the president and all other senior government officials. Some countries have established robust offices for the prosecution of offenses by public servants. For instance, South Africa has an Independent Office of the Director of Public Prosecutions and the Assets and Forfeiture Unit to curb corruption, while anti-corruption institutions in Ghana, Sierra Leone, and Uganda have units to prosecute corruption in the public service.

**39.** Most State Parties have embarked on measures to enhance the quality of public administration, including audit offices that safeguard public finances, enhance accountability, monitor, and control government contracts. In addition, they have established public procurement institutions to improve transparency and competition in the award of contracts consistent with WTO standards.

**Table 3 : Access to Information (Article 9)**

<b>Country</b>	<b>Is there any form of legislation on access to information and protection of whistle-blowers?</b>	
<b>Algeria</b>	No	Reports of the Auditor-General's office are made public as well as any other reports from government supervisory bodies
<b>Benin</b>	Yes	Constitution and law provide for freedom of speech, however there are no laws providing for public access to governed information. In addition, public officials are not subjected to financial disclosure laws. Public and private sector employees reporting cases of corruption have no legal or practical protection from recrimination or other kind of negative consequence.
<b>Burkina Faso</b>	Yes	Journalist are granted free access to sources of information with exceptions for information pertaining to the internal or external security of the state, military secrets, strategic economic interests, ongoing investigations or legal proceedings and anything that threatens the dignity and privacy of Burkinabes. Access to information relating to corruption is also guaranteed.
<b>Cameroon</b>	No	No access to information law and neither civil servants nor private sector employees are legally protected from recrimination when they report cases of corruption.
<b>Comoros Island</b>	Yes	Members of the commission have the power to access and check data, documents, records, especially materials relating to all services of the State or any public institution. Identity of persons involved in the context of the disclosure process including whistleblowers, witnesses and the alleged instigator of the act of corruption are protected during a civil criminal trial.
<b>Congo</b>	Yes	Freedom of communication is guaranteed through the Superior Council. Laws on extortion, fraud and related offences have provisions protecting whistleblowers.
<b>Cote d'Ivoire</b>	Yes	Access to information Law (2013) mirrors Africa's Model on Access to information including allowing access to all persons, providing for independent oversights and no requirements for justification of need for information. Parliament passed this law within a record time of two months demonstrating the highest level of commitment by the government.
<b>Ethiopia</b>	Yes	Public support is encouraged for effective implementation of proclamation by promising whistle-blowers 25 per cent of assets they help seize from officials
<b>Gabon</b>	Yes	Persons or entities are required to disclose documents or items to investigators of the National Commission for the Fights against Illicit Enrichment
<b>Ghana</b>	Yes	Protection against victimization and vilification from employers of persons working for government and non-government employees who may wish to report crimes and corrupt practices in their places of work. Individuals are rewarded for disclosing information relating to unlawful or illegal conduct of others.
<b>Guinea</b>	Yes	Access to public information and freedom of expression and opinions are guaranteed
<b>Kenya</b>	Yes	Launch of Open Data Portal made Kenya the first African country to make government data accessible to ordinary citizens via internet. No disciplinary action may be taken against any private or public employee who assists an investigation or discloses information for such an investigation. Courts are required to conceal or remove any information that may disclose the identity of the informer and to provide relocation and identity change if required

<b>Lesotho</b>	In process	Access to information permits the public to participate and monitor public officeholders. Nonetheless, some civil society organizations have complained about the challenges of obtaining accurate information that is essential to their anti-corruption campaigns.
<b>Liberia</b>	Yes	Freedom of Information Act enacted in 2008: Protection of Whistle blowers as well as incentives to report cases of corruption. Policy of not disclosing the identities of whistle blowers. There is a whistle blowers protection Bill pending before the Legislature
<b>Malawi</b>	Yes	Access to information and protection of whistle blowers guaranteed
<b>Mali</b>	Yes	Freedom of Press as well as access to information and documents relating to public management is guaranteed
<b>Mozambique</b>	Yes	Whistle blowers protection remain weak and there are have been cases where witnesses or whistle-blower were harassed after denouncing crimes of corruption or theft of state funds Identity of the informant cannot be disclosed even during court hearings unless by order if a court of law.
<b>Namibia</b>	In process	Reporting can be done anonymously to the ACC, the police or any other relevant authority.
<b>Nigeria</b>	Yes	Bans on legal action criminal or civil proceedings against any public officer who shows information to the public despite the consequences it might have on the organization or without permission as long as the officer believes that the information shows acts of corruption were or are about to be committed. All institutions spending public funds have to be open about their operations and expenditure while citizens have the right to access information about their activities.
<b>Rwanda</b>	Yes	Law meets standards of best practice in terms of scope of application with clear provisions on proactive disclosures and allows people to make applications to see information including organizations, companies and public bodies
<b>Sierra Leone</b>	In process	ACC provides that an informant whose information results in a conviction will be given ten percent of the proceeds of any property forfeited as a result of the conviction
<b>South Africa</b>	Yes	E-governance well developed and large number of government offices has their own websites with information about their work. The South African Services website provides a one-stop shop for information about services offered by the government. Protection of State Information Bill dubbed the Secrecy Bill seeks to limit media freedom and its ability to report on corruption and mandates punishments for the disclosure or the holding of classified documents.
<b>Tanzania</b>	In process	No overarching legislation that makes it mandatory for public and private bodies to inform the public of matters important to them.
<b>Uganda</b>	Yes	Whistleblowers receive 5 per cent of the total amount recovered following their denouncement.
<b>Zambia</b>	In process	Director General has powers to demand for information and evidence relating to corruption investigation which includes access to bank information. On-line whistle blowing mechanism is available where citizens can anonymously report alleged cases of corruption

## **Article 9: Access to Information**

**40.** All the 27 State Parties have some version of information disclosure laws; increasingly more State Parties are passing Freedom of Information (FOI) laws to underpin anti-corruption regimes. State Parties with explicit access to information laws include: Burkina Faso and Congo have laws that grant journalist access to sources of information, with the exception of information pertaining to state security; in Côte d'Ivoire, parliament passed the access to information legislation in December 2013 within a record period of two months; and the constitutions in Guinea, Malawi, Mali, and Rwanda allow access to public information. The following State Parties have laws that also contain Whistle-Blower protection: Comoros; Congo; Ethiopia; Ghana, Kenya; Liberia, Malawi, Mozambique; Nigeria, Sierra Leone, Uganda, and Zambia. Although Liberia has yet to enact a FOI law, the president issued an executive order in 2008 to protect whistle blowers. Parliaments in Lesotho, Tanzania, and Namibia are in the process of enacting access to information laws. Pending these legislative enactments, these State Parties have embedded some protection of informers in the existing anti-corruption laws. Ghana has yet to pass a an FOI law, but has white-blower protections. Algeria has no FOI law, but reports of the Auditor-General's office and other government supervisory bodies are made public.

**41.** Some State Parties have whistle-blower laws that contain monetary incentives. For instance, in 2010, the Ethiopian Federal Parliament passed the Whistle-Blowers' Protection Bill that gives whistle-blowers 25 per cent of assets they help recover. In Uganda, whistle-blowers receive 5 per cent of the total amount recovered from their actions. Similarly, the 2013 amendments to Ghana's Whistle-Blower's Act create a Special Fund to reward whistle-blowers.

**42.** Civil society actors in Benin, Ghana, Sierra Leone, and Nigeria are part of a coalition of thirty organizations from 16 countries called Africa Freedom of Information Centre (AFIC) that adopted the Lagos Declaration on the Right of Access to information. These organizations are also involved in advocacy for Africa's Model on Access to Information that includes allowing information access to all legal and natural persons, providing for independent oversight, and no requirements for justification of the need for information.

**Table 4 : Funding of Political Parties (Article 10)**

<b>Country</b>	<b>Column E: Is there ban on sources of income for political parties and/or candidates?</b>	<b>Column F: Do political parties receive direct public funding?</b>
<b>Algeria</b>	Yes - Criminalize secret funding	Electoral law makes provisions for direct funding
<b>Benin</b>	Yes - Ban on anonymous donations and on amount a donor can contribute	Law makes provision for direct public funding
<b>Burkina Faso</b>	Yes - Prohibits the use of funds acquired through illegal and corrupt practices	No provisions of funding of political parties
<b>Burundi</b>	Yes - No foreign donations are allowed	Receive funding for electoral campaigns only using equality as a criteria
<b>Cameroon</b>	Yes - Receiving of foreign funding	For regular parties activities and organization of election campaigns
<b>Comoros Island</b>	No	No legislation on financing of political parties. However some actors have actively lobbied the government for a bill on financing of political parties
<b>Congo</b>	Yes	Provision for public funding
<b>Cote d'Ivoire</b>	Yes- Donations from foreign interests	Use of state resources for political campaigns
<b>Ethiopia</b>	Yes - Donations from foreign interests, and others	Provision is made for direct public funding
<b>Gabon</b>	Yes- Any means of external financing	Funding of electoral campaigns and annual operating grants
<b>Ghana</b>	Yes - Donations from foreign interests	Provision for regulated funding
<b>Kenya</b>	No	Political Parties Fund to be shared according to the numerical strength of parties in the national legislature.95 percent of funds distributed proportionally but only to parties that have secured at least 5 per cent of the total number of votes in the preceding general elections
<b>Lesotho</b>	No – Donations from foreign interest are explicitly allowed	Provision for direct public funding
<b>Liberia</b>	Yes - Proceeds from illegal and corrupt practices are prohibited under the electoral law	Estimated that 0.25 per cent of total tax revenue of Liberia is spent on funding political parties to prevent them from engaging in corruption.
<b>Malawi</b>	Yes – State bodies and public owned corporations	Parties which secure more than one-tenth of the national vote in elections to parliament are guaranteed sufficient funding for constitutional work and not party campaigning
<b>Mali</b>	No	Estimated that 0.25 per cent of total tax revenue of the country is spent on funding political parties
<b>Mozambique</b>	Yes - Donations from foreign interests as well as corporate donations.	Public funding is allocated on the basis of a mixed model proportionally and equally.
<b>Namibia</b>	No	Political parties represented in parliament are funded from the public purse on a propositional

		basis with allocation of funds depended
<b>Nigeria</b>	Yes – Donations from foreign interests and anonyms donations	No public funding of parties
<b>Rwanda</b>	Yes – Donations from foreign interests, anonymous donations,	Law makes provision for direct public funding to political parties
<b>Sierra Leone</b>	Yes- donations from foreign interests, corporate donations, trade unions	Regulated public funding
<b>South Africa</b>	No	Public funding is provided for parties represented in parliament on propositional basis during elections
<b>Tanzania</b>	No	Public funding for the day-today functioning of political parties but no for campaigning
<b>Uganda</b>	No – restricts donations from foreign interests to candidates,	No public funding of parties
<b>Zambia</b>	No	No public funding of parties

## **Article 10: Funding of Political Parties**

**43.** Most State Parties have established laws that permit public funding of political parties while also prohibiting the private financing of these parties. Algeria, Benin, Burundi, Cameroon, Congo, Côte d'Ivoire, Ethiopia, Gabon, Kenya, Liberia, Malawi, Mali, Mozambique, Namibia, Rwanda, South Africa, Tanzania, and Uganda have laws that allow the public funding of political parties. Some State Parties such as Burundi and Côte d'Ivoire only fund election campaigns; others such as Malawi and Tanzania ban public funding for political campaigns. The rest of the State Parties provide funding to political parties throughout the electoral cycle as long as they attain a certain percentage of seats in the national legislatures.

**44.** With the exception of Lesotho that has no ban on foreign donations to political parties, most of the State Parties disallow foreign financing of political parties. Burkina Faso, Ghana, Nigeria, and Zambia have no public funding of parties. While Algeria has a ban on corporate donations as well as anonymous donations to political parties, Ghana and South Africa permit the private financing of political parties. Almost all State Parties impose strict disclosure provisions on the use of public resources by political parties.



**Table 5 : Private Sector (Article 11)**

<b>Country</b>	<b>Column E: Have measures relating with engaging with the private sector been implemented?</b>	
<b>Algeria</b>	Yes	National Economic and Social Pact
<b>Benin</b>	Yes	Benin Private Investor's Council
<b>Burkina Faso</b>	Yes	Enterprise Registration Centers designed as one-stop shops for business registration
<b>Cameroon</b>	Yes	Council of Business Managers and Professional Associations (GICAM)
<b>Comoros Island</b>	Yes	Law passed to establish an institution designated as the authority for regulation of procurement
<b>Congo</b>	Yes	Provisions in law and other measures on preventing and fight against corruption
<b>Cote d'Ivoire</b>	Yes	Enterprise Revitalization and Governance Project: Public-Private Partnership Fund for Mano River Union
<b>Ethiopia</b>	Yes	Ethiopian Investment Commission: Privatization and Public Enterprise Supervising Agency (PPSA)
<b>Gabon</b>	Yes	Article 15 of Law no.002/2003 May 2003 punishes corruption in the private sector Funding of electoral campaigns and annual operating grants
<b>Ghana</b>	Yes	Ghana Business Code Extractive Industries Transparency Initiative (EITI)
<b>Kenya</b>	Yes	Investment Promotion Act: Code of Business Integrity (COBI)
<b>Lesotho</b>	Yes	Directorate on Corruption and Economic Offences (DCEO)
<b>Liberia</b>	Yes	Liberia :Public-Private Partnership Fund for Mano River Union: Extractive Industries Transparency Initiative (EITI)
<b>Malawi</b>	Yes	Actively involved in the formulation and implementation of the National Anti-Corruption Strategy (NACS)
<b>Mali</b>	No	Application process to start a business reduced emphasized investment that promote handicrafts, exports and labour intensive companies
<b>Mozambique</b>	Yes	Accepted for candidacy in 2009 by Extractive Industries Transparency Initiative (EITI): Sofala Commercial and Industrial Association (ACIS): Business Against Corruption Toolkit (BACT)
<b>Namibia</b>	Yes	Chamber of Commerce and Industry and Employees Federation: Code of Conduct on accountability and transparency
<b>Nigeria</b>	Yes	Code of Business Integrity (CBI): Nigeria Extractive Industries Transparency Act (NEITI)
<b>Rwanda</b>	Yes	Rwanda Private Sector Federation (RPSF)
<b>Sierra Leone</b>	Yes	Sierra Leone Indigenous Business Association (SLIBA) and Anti-Corruption Commission have a MOU for promoting a public-private partnership
<b>South Africa</b>	Yes	Business Against Crime South Africa (BACSA), d South African Charter of Ethical Business Practices (SACEBP)
<b>Tanzania</b>	Yes	Fair Competition Act of 2003 and the Public Procurement Act of 2004
<b>Uganda</b>	Yes	Uganda Manufacturers Association (UMA) been involved in anti-corruption efforts through developing of integrity systems in Uganda
<b>Zambia</b>	Yes	In 2012, Zambia achieved full complaint status with the Extractive Industries Transparency Initiative (EITI)

## **Article 11: Private Sector**

**45.** Private sector efforts to curb corruption in most State Parties have entailed building productive public-private partnerships (PPPs). Examples of PPPs that have embraced anti-corruption measures are: Algeria's National Economic and Social Pact; the PPP Fund for the Mano River Union countries launched in 2012 to develop partnerships with the private sectors in Côte d'Ivoire, Guinea, Liberia and Sierra Leone; Ethiopia's Privatization and Public Enterprises Supervising Agency (PPSA) which coordinates private and public agencies in the privatization process; the Liberia Better Business Forum and the Namibian Chamber of Commerce and Industry, institutions that these State Parties have used to engage the private sector in dialogue on governance issues; a Memorandum of Understanding between Sierra Leone's Indigenous Business Association (SILBA) with the Anti-Corruption Commission (ACC) to promote consultation, collaboration, and advocacy on policies that promote a business-friendly and corrupt-free environment; Business Against Crime South Africa (BACSA), a non-profit organization that helps the government to fight corruption; and in Rwanda and Zambia, the Ministries of Commerce through the Chambers of Commerce have engaged the private sectors in developing codes of conduct that enhance fair play and curb corruption.

**46.** Apart from PPPs, State Parties have witnessed the growth of private sector-led initiatives to manage corruption through codes of business conduct. In South Africa, the leading organization, Business Unity South Africa (BUSA) has been instrumental in the setting up of the South African Charter of Ethical Business Practices (SACEBP), a Business Code of Ethics that is applicable to the business community. In Uganda, the Uganda Manufacturers Association (UMA) has been involved in anti-corruption efforts by developing integrity systems. In Nigeria, an innovative initiative, the Code of Business Integrity (COBI), is a private sector-led effort that requires company signatories to issue directives to all employees and agents reminding them of their legal, moral, and professional duty not to engage in, promote, or condone any form of corruption; it has also promoted the adoption of internal whistle-blowing procedures and the appointment of Ethics Counsellors in companies to improve integrity. Kenya's private sector has adopted COBI in drafting its own business codes.

**47.** Mineral producing State Parties such as Ghana, Nigeria, Mozambique, Sierra Leone, Liberia, and Zambia have signed up to the Extractive Industries Transparency Initiative (EITI) that seeks to promote transparency and accountability standards in the mineral sector.

**Table 6 : Civil Society and the Media (Article 12)**

<b>Country</b>	<b>Column G: Have measures relating to engaging with the civil society and the media</b>	
<b>Algeria</b>	Yes	Conducting campaigns of information and sensitization among the population
<b>Benin</b>	Yes	Civil society is part of a coalition of thirty organization from 16 countries called Africa Freedom of Information Centre (AFIC)
<b>Burkina Faso</b>	Yes	National Anti-Corruption Network (RENLAC) comprises of 30 civil society organizations
<b>Cameroon</b>	Yes	National Coalition for the Fight against corruption, a collection of more than 50 civil society organizations
<b>Comoros Island</b>	Yes	Collaboration provided for by the charter between Anti-Corruption Commission and civil society
<b>Congo</b>	Yes	Action Plan for the Fights against Corruption, Bribery and Fraud
<b>Cote d'Ivoire</b>	Yes	Passage of the Freedom of Information (FOI) Law will deepen the role of the media in anti-corruption activities
<b>Ethiopia</b>	Yes	Transparency Ethiopia advocacy work
<b>Gabon</b>	Yes	Have right to freely conduct investigations on all the facts concerning the life of the nation subject compliance of state secrecy and the privacy of citizens.
<b>Ghana</b>	Yes	Ghana Anti-Corruption Coalition (GACC) grouping of public, private and civil society organization, Ghana civil society also part of Africa Freedom of Information Centre (AFIC), Ghana Journalist's Association (GJA) member of GACC
<b>Kenya</b>	Yes	National Anti-Corruption Steering Committee: Kenya Anti-Corruption Board (KACAB) comprises religious organizations, professional associations, and labour organizations. CSOs such as Ufadhili Trust and the Africa Centre for Open Governance respectively are active in promoting anti-corruption strategies and also engage with the business sector.
<b>Lesotho</b>	Yes	Lesotho Council of Non-Governmental Organizations (LCN)
<b>Liberia</b>	Yes	Constitution guaranteed freedom of the press and speech
<b>Malawi</b>	Yes	Civil Society Coalition against Corruption; Malawi Economic Justice Network (MEJN)
<b>Mozambique</b>	Yes	Ethics Mozambique driving force behind setting up of anti-corruption centres in provisional capitals
<b>Namibia</b>	Yes	Namibia Institute for Democracy (NID), the ACC-Church Leaders Alliance and Women Action for Development
<b>Nigeria</b>	Yes	Zero Corruption Coalition (ZCC) a network of over 100 organizations: Accountability Nigeria a coalition of public and private organizations working
<b>Rwanda</b>	Yes	Vibrant civil society and media engagement in anti-corruption campaigns and initiatives. No government interference
<b>Sierra Leone</b>	Yes	Sierra Leone Association of NGOs (SLANGO) vibrant civic culture : also part of Africa Freedom of Information Centre
<b>South Africa</b>	Yes	Very strong, organized civil society as a result of past mobilization and politicization of large groups against apartheid: Corruption Watch South Africa National Editor's Forum (SANEF) have investigated corruption cases and established educational programmes to boost understanding of the problems around corruption.
<b>Tanzania</b>	Yes	National Anti-Corruption Strategy and Action Plan programmes had the specific objectives of mainstreaming and empowering civil society and other non-state actors to implement anti-corruption initiatives

<b>Uganda</b>	Yes	Anti-Corruption Coalition of Uganda (ACCU), an umbrella group of more than 70 civil society organizations which organizes a number of activities, including Anti-corruption week every December to create awareness among policymakers and the public; in autumn 2008, the coalition started the Book of Name and Shame, in which public servants who are caught in corruption practices and convicted will be named.
<b>Zambia</b>	Yes	African Parliamentary Network against Corruption (APNAC), Zambia Youths Association in the fight Against corruption

## **Article 12: Civil Society and the Media**

**48.** To promote the engagement of civil society and the media in anti-corruption efforts, State Parties have used either grand coalitions between States and these non-state actors or independent initiatives led by non-state actors. Most State Parties have laws and regulations that frontally incorporate civil society and the media in campaigns, rallies, programmes, and policies around anti-corruption. In State Parties such as Algeria, Benin, Burkina Faso, Cameroon, Comoros, Congo, Kenya, Namibia, Sierra Leone, and Rwanda, civil society and the media actors have formal roles in national institutions, particularly anti-corruption commissions, to coordinate the implementation of national anti-corruption strategies, evaluate and monitor anti-corruption programmes, create national awareness, and support the creation and strengthening of anti-corruption laws. Some of the most notable coalitions are: the Ghana Anti-Corruption Coalition (GACC), a grouping of public, private, and civic actors who have focused on monitoring anti-corruption activities and lobbying the government for deepen anti-corruption laws and policies; the Anti-Corruption Coalition of Uganda (ACCU) that unites government and civil society in public education to foster ethical conduct and accountability in the public and private sector; Tanzania's NACSAP programmes that have the specific objectives of mainstreaming and empowering civil society and other non-state actors to implement anti-corruption initiatives; National Anti-Corruption Network (RENLAC) in Burkina Faso that has worked with the government to entrench morality and transparency in the management of national affairs; and in Namibia, Section 3 of the Anti-Corruption Act mandates the Anti-Corruption Commission (ACC) to work with the media in educating the public about the dangers of corruption.

**49.** Independent efforts by civil society and the media have also proliferated as part of anti-corruption campaigns for education, national awareness, and advocacy in most of the State Parties. Some of these initiatives are in South Africa where Corruption Watch, an NGO, was established in 2012 to gather and share information about corruption. Corruption Watch provides a reporting mechanism for the public to share their experiences about corruption and enable the flow of information on corruption. In Mozambique, Ethics Mozambique has been a driving force behind the setting up of anti-corruption centres in provincial capitals, where people can anonymously report incidences of corruption; the organization also runs a civic education campaign to help citizens identify and protect themselves against corrupt officials or activities. In Tanzania, the Media Council has been critical in drafting legislation that seeks to boost the passage of FOI legislation; it has also established Press Clubs at the grassroots level that allow people to demand accountability and transparency through newspapers and radio broadcasts. In South Africa, organizations such as the South Africa National Editor's Forum (SANEF) have investigated corruption cases and established educational programmes to boost understanding of the problems around corruption. South Africa's media has equally been an active participant in the National Anti-Corruption Forum (NACF) that provides cross-sector responses to anti-corruption and the promotion of integrity.

## **CONCLUSIONS**

**50.** Corruption and related offenses are widely recognized as hampering Africa's economic development and progress to reduce poverty and promote sustainable and equitable growth. This is why African countries have tried to find comprehensive and multi-faceted approaches to combat corruption. As most of the State Parties have introduced legislations, regulations and practices aimed at curbing corruption and related offenses, they have made significant progress toward popularizing the AUCPCC. Despite these efforts some gaps remain. For instance most anti corruption bodies do not have prosecutorial powers; in most cases, these bodies refer their investigations to other offices which often do not prosecute corruption cases. Moreover, although most State Parties have severe resource constraints, they are also characterized by competing and multiple anti-corruption institutions which present problems in harmonisation, coordination, and effectiveness of anti-corruption initiatives.

**51.** Most of the State Parties have made appreciable efforts to curb corruption in the public service through policies that punish the malfeasance of public officials and the streamlining of accountability, transparency, and oversight mechanisms, but more needs to be done to institute consistent measures in the implementation of provisions that strengthen the integrity of public officials and institutions. There is no official data available on complaints, investigations, and prosecutions for corruption of public officials in most State Parties. Such information is vital to assess the effectiveness of anti-corruption laws in practice, and to establish whether complaints are being investigated.

**52.** While most State Parties have established regulations for public financing of political parties in order to decrease the influence of money in politics, there is need for experience sharing and learning among State Parties about best practices that encourage sustainable financing of competitive political processes.

**53.** Africa has provided global leadership in initiatives around freedom of information legislation and transparent governance. These measures are beginning to have a critical additive effect on anti-corruption campaigns, but they should be more publicised and popularized to showcase the AUCPCC.

**54.** Civil society organizations and the media are critical allies in the anti-corruption efforts. It is of paramount importance to create an enabling environment for the media and civil society in the fight against corruption and related offenses as well as support them to raise awareness and act as a conduit for members of the public to report cases of corruption of public officials. Although there is no consistent model of engagement of these actors, most State Parties have made tremendous efforts in creating road-based alliances for advocacy, information-sharing, and publicity for anti-corruption campaign.

**55.** The private sector is emerging as a core constituency in the anti-corruption efforts, but there should be more vigorous efforts in fostering public-private sector initiatives in curbing corruption.

**56.** Successful efforts to combat corruption in most State Parties hinge on the actions and decisions of top national leaders.

## **RECOMMENDATIONS**

**57.** To improve governance by preventing and combating corruption in Africa, the AUABC recommendations are as follows:

- The Board, which is AU's premier anti-corruption body, should be adequately funded as a sign of commitment by African leaders to fight corruption. It should not be left to Development Partners to provide funding to such a sensitive body as this gives the impression that African leadership does not consider the fight against corruption a priority, notwithstanding its devastating effects on the continent. The AU would send a strong signal of its commitment to fighting corruption by ensuring a realistic funding level for ABC at all times.
- As the AUABC assumes the critical tasks of collecting information about the compliance and implementation of the AUCPCC, it will require additional financial and human resources to conduct credible research in State Parties. More evidence-based research and investigations will enhance understanding of compliance and assist in the wider dissemination of best practices.

**58.** The AU should consider revising the Convention to provide for:

- the appointment of the ABC members for a period longer than two years as is the case for other enforcing mechanisms to give them a reasonable length of time to perform their mandate;
- the submission of a report of the ABC to the Executive Council on a yearly basis and not just on a regular basis;
- the application of the AUCPCC to the AU itself and to its different organs;
- the establishment of a Conference of States Parties (CPS) to strengthen peer learning and information sharing;
- the criminalisation of corruption as an international crime within the jurisdiction of the African Court of Justice and Human Rights.

**59.** Concerning AU Member States and State Parties to the Convention, the Board recommends that:

- All Member States to accede to the AUCPCC, ratify and domesticate it as a commitment to the fight against corruption in AFRICA in general and in their individual countries in particular.
- The AU requests States Parties to comply with Article 20 (1) of the AUCPCC that provides for each State Party to communicate to the Chairperson of the Commission, at the time of signing or depositing its instruments of ratification, the designation of a national authority or agency in application of offences established under Article 4 (1) of the Convention.
- State Parties have obligations to provide adequate resources to anti-corruption institutions.
- State parties should consider establishing robust prosecutions for acts of corruption and related offences by anti-corruption bodies to reduce dependence on other institutions which often do not prosecute corruption cases.
- State Parties should forge stronger alliances between public authorities, the private sector, civil society, and the media in efforts to prevent and end corruption.

**60.** Finally, the AUABC remains committed to ensuring the full implementation of the AUCPCC which entered into force in August 2006 and will fulfil its mandate as defined by the decisions of the Executive Council and the Assembly of Heads of State and Government of the African Union.

**Annexure A:**  
**IMPLEMENTATION OF THE CONVENTION**



**EX.CL/860(XXV)**  
**Annex A**

## **IMPLEMENTATION OF THE AU CONVENTION**



## **Annexure A**

### **IMPLEMENTATION OF THE AU CONVENTION**

1. Corruption has been described as the most daunting challenge to good governance, sustainable economic growth, peace, stability, and development in Africa.
2. Best practices around fighting corruption are grounded in systems of democratic governance that fortify accountability, bureaucratic institutions that find effectiveness in autonomy and neutrality to administer policies, well-resourced oversight institutions that enforce compliance with rules, and civic engagement that is vigilant and participatory. These factors reinforce the nexus between governance and corruption whereby weak institutions of accountability and participation foster systemic corruption. By the same token, effective anti-corruption measures stem from functional states that provide public goods, encourage competition from the private sector, and tolerate countervailing pressures from society.
3. Comparative lessons on institutional innovations, political will, and investment in anti-corruption initiatives provide vital tools for discerning how State Parties have approached questions of corruption control and the best practices in fighting corruption Africa-wide, which are outlined in the following section.

#### **Algeria**

4. The Republic of Algeria signed the AUCPCC on December 29, 2003 and ratified on May 23, 2006. The instrument was deposited on July 6, 2006.

#### **Article 5: Legislative and other Measures**

5. Algeria has promulgated a number of laws to combat corruption including the framework law on the prevention and combating of money laundering and funding of terrorism of February 2005 and the law on preventing and combating corruption of February 2006. Prior to these laws, Algeria had promulgated a Presidential Decree in July 2002 to regulate government contracts as well as the role of institutions in charge of ensuring the control and efficient use of public funds; a code of conduct was also instituted for senior officials in the tax and customs department requiring the declaration of assets on the appointment and end of office.

### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

6. Algeria's law on combating corruption criminalizes practices that are contrary to probity in the public service; the law extends criminalization for corruption to conflicts of interest, the acceptance of gifts that are prejudicial to the normal performance of duties, and mandatory asset declaration. The law condemns illicit enrichment and places the burden of proof on the public agent whose assets are proportionally higher than his or her legitimate income. This obligation includes senior government officials, including, among others, the President, parliamentarians, members of the Constitutional Council, the Head and elected representatives of popular assemblies.

### **Article 9: Access to Information**

7. Reports of the Auditor - General's Office are made public, as well as any other reports from government supervisory bodies.

### **Article 10: Funding of Political Parties**

8. Algeria's electoral law makes provisions for direct funding to political parties. It is also criminalize the secret funding of political parties. Apart from the ban on donations from foreign interests to political parties and candidates, Algeria has a ban on corporate donations as well as anonymous donations to political parties.

### **Article 11: Private Sector**

9. As it has made a transition from a centralized to a market economy, the Algerian government has instituted steps to adopt international standards and structural reforms aimed at creating a regulatory environment conducive to encouraging private investment. As part of these efforts, Algeria adopted a National Economic and Social Pact that highlights the role that private enterprises should play in the economy.

10. The promotion of the private sector as an engine of growth has led to the establishment of partnerships between the state and the private sector. One of the problems Algeria encountered on the path to a market economy is the emergence of private sector actors who used illicit means to invest in vital sectors of the economy, particularly in the financial and banking institutions.

11. To combat the proliferation of private sector corruption, Algeria has ratified international agreements to target money laundering such as the Financial Action Task Force on money laundering. In line with these measures, Algeria is a signatory to the United Nations Convention for the Suppression of the Financing of Terrorism and the Convention against Transnational Organized Crime.

12. In addition, given the acknowledged prevalence of tax evasion throughout the economy, the government passed the 2006 Finance Law that stipulates several provisions such as the institutionalization of documents on tax evaders and a penalty for failure to declare stocks. The

government also increased the number of tax centres, of which 60 were created in 2009, as well as 250 local centres to follow-up the tax files of private individuals.

#### **Article 12: Civil Society and the Media**

13. Algeria's Law on Prevention and Combating Corruption emphasises the importance of the role of civil society, especially the media, in conducting campaigns of information and sensitization among the population.

#### **Benin**

14. The Republic of Benin signed the AUCPCC on February 11, 2004 and ratified on September 20, 2007. The instrument was deposited on November 7, 2007.

#### **Article 5: Legislative and other Measures**

15. Since December 1990, Benin's constitution classified corruption as one of the offences that are punishable under the law. The law of 2011-20 enacted on 12 October 2011 guides the fight against corruption and related offenses. Over the years, the government established various national bodies to fight corruption: the National Organization Front for the Fight against Corruption (FONAC, 1998), the Observatory on the Fight against Corruption (OLC, 2004), and the National Consultative Commission on Administrative Reform (ANLC, which replaced the OLC in 2007), and the Uniform Law 2006-14 to deal with money laundering. The government has strengthened these institutions by demonstrating political will in implementing the required administrative and institutional reforms.

#### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

16. Benin has clear regulations and provisions for fighting corruption in the public service. The National Consultative Commission on Administrative Reform established the Code of Values and Ethics of Public Service in February, 2007 and has a section on the Moralization of Public Life (CMVP). Inspired by the Charter of Public Service in Africa, this Code was adopted by Decree No. 2008-831 of December 2008. Article 17 of this Code lays down the principles governing the public service, especially accessibility, participation, delegation and conflict management, speed and evaluation of services, and the transparency of directors. In cases of corruption, disciplinary measures are taken against the guilty officials. The ANLC has the power to demand information from any administrative structure with respect to corruption and other related offenses. In August 2011, the Beninese parliament passed a new anti-graft bill that binds top authorities, civil servants, central directors of the administration, project managers and accountants of any public body to disclose their assets when assuming and leaving office.

17. Article 26 of the money laundering law mandates the declaration of suspicious transactions. Under section 34 of this law, the persons concerned may not invoke professional confidentiality to refuse to provide information to supervisory authorities. It is the same with respect to the information required as part of an investigation into money ordered by a judge or any state officials responsible for the detection and punishment of offenses related to money

laundering. Benin has internal audit structures for all ministries (DIVIs) that are responsible for curbing the spread of corruption in state enterprises and organs.

#### **Article 9: Access to Information**

18. Although the constitution and law provide for freedom of speech, there are no laws providing for public access to government information. Public officials are not subject to financial disclosure laws. Public and private sector employees reporting cases of corruption have no legal or practical protection from recrimination or other kind of negative consequence.

#### **Article 10: Funding of Political Parties**

19. Benin bans the use of state resources by a political party or a candidate, except regulated public funding. The law makes provisions for direct public funding to political parties. There is a limit on the amount a donor can contribute to a political party within a certain period (not election specific). There is a ban on anonymous donations to political parties.

#### **Article 11: Private Sector**

20. With many years of a planned economy, Benin is gradually building institutions that enshrine entrepreneurial culture to boost the private sector which remains very small. Toward this end, the government has encouraged new partnerships with the emerging private sector to remove the mistrust that has traditionally characterized this relationship. This new culture has emphasized that the private sector and entrepreneurs are allies in economic and social development.

21. The government has launched campaigns to make private entrepreneurs aware of their tax obligations; the private sector through the Benin Private Investor's Council has also been involved in supporting anti-corruption campaigns. Given the significance of the informal sector in Benin's economy, the government has made efforts to eliminate fraud and tax evasion.

#### **Article 12: Civil Society and the Media**

22. Civil society had strong representation in the OLC and now, the ANLC, in addition to members of parliament and government agencies. Its purpose is to coordinate the implementation of national anti-corruption strategies, evaluate anti-corruption programs, create national awareness and encourage anti-corruption campaigns, and support the creation of anti-corruption legislation. The leaders of this new national anti-corruption agency envisage that they will soon have brainstorming sessions with anti-corruption organizations to chart the way forward for the future.

23. Benin civil society is part of a coalition of thirty organizations from 16 countries called Africa Freedom of Information Centre (AFIC) that adopted the Lagos Declaration on the Rights of Access to information.

## **Burkina Faso**

24. Burkina Faso signed the AUCPCC on 26 February 2004 and ratified it on 29 November 2005. The instruments of ratification were deposited to the African Union on 15 February 2006.

### **Article 5: Legislative and other Measures**

25. The Burkinabe Criminal code was adopted on 18 December 1996 to manage corruption. The main anti-corruption authority is the Higher Authority of State Control (ASCE) which was created by law no. 32-2007/AN of November 2007. Article 3 of this law allows the ASCE to receive and investigate denunciations of individuals in their dealings with government departments, local authorities, public institutions or any other institution vested with a public service mission. It has also vested this Authority with the power to conduct investigations into practices of economic delinquency and corruption within the administration concerning natural or legal persons in private law. Other measures include: The National Policy on Good Governance (NPGG) adopted in 2003, the National Anti-Corruption Policy of 2006, and the Public Markets Regulation Authority created in May 2007.

### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

26. Articles 156 and 158 of the Criminal code punish administrative, judicial, military, and elected officials who engage in corruption. The Constitution in Article 44, paragraph 2, requires the President of Burkina Faso to submit a written declaration of his assets to the President of the Constitutional Council. In addition, Article 77 of this law determines the list of people subject to declare their assets. The ASCE, attached to the prime minister's office is responsible for four core functions: monitoring the observance of the laws that govern the administrative, financial, and accounting services in all public agencies; evaluating the operational and management quality of services; checking the use of funds and the regularity of the operations; and proposing measures to enhance the quality of public administration. Burkina Faso has an Audit Office that safeguards public finances, improves management practices while maintaining transparency, and assists the National Assembly in monitoring the implementation of financial laws.

### **Article 9: Access to Information**

27. Article 49 of the Information Code of 1993 grants every journalist free access to sources of information, with exceptions for information pertaining to the internal or external security of the state, military secrets, strategic economic interests, ongoing investigations or legal proceedings, and anything that threatens the dignity and privacy of Burkina Faso. The law that created the ASCE guarantees access to information relating to corruption.

### **Article 10: Funding of Political Parties**

28. There are no provisions for funding of political parties and the government prohibits the use of funds acquired through illegal and corrupt practices to finance political parties.

### **Article 11: Private Sector**

29. Because the government has traditionally been the largest economic actor, the private sector is still relatively small. Nonetheless, the government has been actively promoting foreign investment and privatization of state-owned companies. Since 2009, the government has conducted reforms in the legal framework for investment to promote the development of a more dynamic and flourishing private sector. The Burkinabe Criminal Code punishes prima facie acts of corruption and related offenses committed in the private sector and officials in this sector.

30. Due to the persistence of corruption in the form of facilitation payments, bribery and preferential treatment in procurement deals common in the private sector, the government has recommended the use of specialized public procurement due diligence tools to mitigate corruption risks associated with public procurement. In an attempt to reduce opportunities for bribery and the use of facilitation payments, the government has set up Enterprise Registration Centres designed as one-stop shops for business registration. These centres have simplified registration formalities and eliminated obstacles related to opening a business. The government has also developed systems whereby companies are able to implement and strengthen integrity systems and conduct extensive due diligence when doing business.

### **Article 12: Civil Society and the Media**

31. Burkina Faso has one of the most active civil society organizations such as the National Anti-Corruption Network (RENLAC) that promotes anti-corruption campaigns. Established in 1997 RENLAC brings together 30 civil society organizations to work towards the entrenchment of good morality and transparency in the management of national affairs. It regularly publishes reports and has devised a tool kit and operates a hotline. This is occasionally assisted by structures such as trade unions, the Association of Human Rights, and the media. Burkina Faso established the CNE in 2001, a representative body of government, civil society actors, and the private sector that seeks to promote secular and national values, including anti-corruption values.

32. Law 10/ADP of December 1992 concerning freedom of association in Burkina Faso provides the normative framework for the existence and functioning of civil society organizations and has broad guidelines to prevent the abuse and mismanagement of resources of these organizations. In addition to the legal framework, some organizations have made the fight against corruption their primary or secondary area of activity.

### **Burundi**

33. Burundi signed the AUCPCC on 03/12/2003 and ratified it on 18/01/2005. It deposited the instruments of ratification on 10/03/2005.

### **Article 5: Legislative and other Measures**

34. Burundi has two legislations dealing with the prevention and punishment of corruption and related offenses: Law no. 1/12 of April 2006 and Law no. 1/05 of April 2009 that revised the Criminal Code. In its mission of moralization of public life, the authorities through the Special

Anti-Corruption Brigade regularly organize awareness sessions. The Ministry of the Presidency, in collaboration with the authorities of the Brigade, also organizes awareness sessions. The authorities of the Brigade have established Anti-Corruption clubs in all the institutions.

#### **Article 7: Fighting Corruption and other Related Offences in the Public Service**

35. No information available.

#### **Article 10: Funding of Political Parties**

36. Political parties receive funding for electoral campaigns only. To promote competitiveness in democracy, Burundi uses equality as a criterion for the allocation of funds. In addition to public funding, political parties in Burundi are allowed to source private funding which can come from private donations, contributions from members, or from income generated by party activities. No foreign donations are allowed.

#### **Article 11: Private Sector**

37. No information available.

#### **Article 12: Civil Society and the Media**

38. No information available.

#### **Cameroon**

39. Cameroon signed and ratified the UNCAC in 1996 and has signed, but not yet ratified, the AUCPCC.

#### **Article 5: Legislative and Other Measures**

40. Cameroon's anti-corruption efforts are anchored on legislation dating back to the 1960s: law no. 65/LF/24 of November 1965 and law no. 67/LF/1 of June 1967 that define and sanction acts of corruption. But more proactive initiatives emerged in 1998-1999 after the promulgation of a new constitution in 1996. The Penal Code criminalizes corruption in the form of active and passive bribery, extortion, bribing a foreign official, money laundering and misuse of public funds for private gain and punishment can include a prison term from five years to life and a fine of up to USD 4,000, plus seizure of assets. The National Anti-Corruption Commission (NACC) is the main anti-corruption agency that is responsible for investigation of corrupt practices. Created by decree no. 2006/088 of March 2006, the CONAC has also the task of coordinating preventive and repressive actions on corruption issues and offence and has wide ranging powers in this domain. The NACC produces and publishes annual reports on the state of corruption, including the activities of other institutions involved in the anti-corruption crusade. Although these reports are forwarded to administrative and judiciary authorities for appropriate actions, the NACC cannot freeze, seize or confiscate assets, nor does it have the power to refer cases to court or other disciplinary institutions. In further measures to deal with corruption, the National Anti-Corruption Observatory launched a nation-wide anti-corruption campaign in January 2006. In addition, the government launched the CHOC-Cameroon programme (Change Habits, Oppose



Corruption) in February 2007 that articulated a National Anti-Corruption Strategy through collaboration with national actors and international organizations. The government created the National Agency for Financial Investigations (ANIF) by decree no. 2005/187 of May 2005 to prevent money laundering and financing of terrorism.

#### **Article 7: The Fight against Corruption and related Offenses in the Public Sector**

41. Article 66 of the 1996 constitution stipulates that government officials declare their wealth at the start and end of their terms in office. These include the President, the Prime Minister, Members of Government, the President and Members of the National Assembly, the President and Members of Bureau of the Senate, Parliamentarians, Senators, all elective officers, Secretaries General of ministries, Directors of the Central Administration, Directors General of Public and Parastatal Companies, Magistrates, Staff of the Administration in charge of fiscal recoveries, all those in charge of taxable income, and officials in charge of fiscal recoveries and managing public funds. Corruption in the public sector is also managed by two state audit institutions. The Superior State Audit is a ministry in the president's office created in December 2004 charged with conducting financial audits on the use of public funds by public bodies, regions, associations, and professional organizations. The Court of Auditors of the Supreme Court reviews the accounts of certified public and other practicing accountants. In 2011, the government created a new ministry dedicated to government procurement, thus, taking over the responsibility of awarding contracts from the prime minister. The Ministry is entitled full power to monitor and control government contracts; any company that is found guilty of corruption is given a two-year suspension from public contracts.

42. The government created anti-corruption units in 29 ministries in 1997 whose objective is to initiate measures to fight corruption in line with the national anti-corruption strategy. The ministries are required to submit a monthly report of their activities to the NAAC. In April 2011, NACC adopted the Rapid Results Initiatives to build the Cameroonian economy on the principles of integrity and work ethics. The Rapid Results Initiatives method put the health and transport sectors, the mines and extractive industry and other institutions "under surveillance" for corrupt practices. These initiatives are aimed at changing the behaviour of public officials by sanctioning criminals and rewarding abiders, as well as eliminating conditions favouring corrupt practices. Similarly, in December 2011, the government set up a Criminal Tribunal to hear cases of corruption, embezzlement, and misappropriation of state funds and recovering stolen assets.

#### **Article 9: Access to Information**

43. Cameroon has no access to information law and neither civil servants nor private sector employees are legally protected from recrimination when they report cases of corruption. Nevertheless, the NACC's Rapid Intervention Unit provides a telephone hotline. The independent newspapers report on controversial matters such as corruption and economic policies, but the government has sometimes responded by using criminal libel laws to inhibit them journalists covering high-profile corruption cases.

#### **Article 10: Funding of Political Parties**

44. Funding of political parties is governed by two laws: Law no. 2000/015 of December 2000 relating to the public funding of political parties and election campaigns and financing political parties; and Decree no. 2001/305 of October 2001 that defines the organization, composition, duties and conditions of functioning of the Committee on the control of the use of public funds earmarked for political parties and election campaigns. According to the law on the public funding of political parties, public funding shall serve to cover regular political party activities as well as for the organization of election campaigns. Each year, the finance law is supposed to include a subsidy to cover certain operating costs of legally recognised political parties. Apart from the funds that political parties receive annually for running expenses, they also get additional funds during the campaign period. The 2001 Decree also stipulated audits of political parties that receive state funding to prevent the misuse of these funds. The law no. 90-56 of 19 December 1990 instituting multi-partyism prohibits parties from receiving foreign funding.

#### **Article 11: Private Sector**

45. Through the Council of Business Managers and Professional Associations (GICAM), the private sector is involved in anti-corruption efforts. The GICAM is Cameroon's foremost business association that brings together 140 companies and 15 professional organizations to fight against corruption and fraud. It lobbies the government for the facilitation of business creation and operations and works to promote a competitive market and good governance as well as resolve judicial and financial problems facing companies. GICAM operates an arbitration centre to handle commercial disputes. In late-2013 Cameroon became a compliant member of the Extractive Industries Transparency Initiative (EITI), lessening the likelihood of corruption in its resource industries.

#### **Article 12: Civil Society and the Media**

46. The NACC has organized a National Coalition for the Fight against corruption, a collection of more than 50 Civil Society Organisations that closely work with NACC to fight corruption. This organization is governed by a Charter. Some other organizations have launched anti-corruption campaigns through the social media such as the *NoBakchich* (No Bribes) to encourage public reportage of corruption.

#### **Comoros Island**

47. Comoros signed the AUCPCC on 26 February 2004 and ratified it on 2 April 2004. It deposited the instruments of ratification on 16 April 2004.

#### **Article 5: Legislative and other Measures**

48. Comoros has adopted a number of anti-corruption laws. These include the Law no. 08-013/AU of July 2008 on the transparency of public, economic, financial and social activities and Law no. 09-001/AU on laundering, financing terrorism, confiscation and international cooperation on criminal proceeds. Unfortunately, these laws do not cover all the necessary steps to be taken

under the AUCPCC. The provisions of Article 4.1 of the AUCPCC have been enshrined in the Criminal Code and Law No. 08-013/AU of July 2008 on the transparency of public, economic, financial, and social activities.

49. Comoros has set up the Anti-Corruption Commission which is headed by a Commissioner General assisted by two Assistant Commissioners. The Commission has two departments: the department of awareness and communication and the department of analysis and investigation. Comoros is a member of the Organization for Harmonization of Business Law in Africa (OHBLA). As part of its obligations to the OHBLA, the Comoros has an investment code that regulates the establishment of foreign companies.

#### **Article 7: The Fight against Corruption and related Offences in the Public Service**

50. Article 2 of Law no. 08-013/AU establishes the list of names of persons subject to the declaration of assets. Most of these officials have to annually declare their assets as well as those of their families within three months of employment to the Anti-Corruption Commission.

#### **Article 9: Access to Information**

51. Law no. 08-013/AU in Article 12-1 states that the members of the commission have "the power to access and check data, documents, records, especially materials relating to all services of the State, any collectivized or any public institution, notwithstanding any provision to the contrary. Regarding the adoption of measures to protect informants and witnesses, Article 15 of the 08-013/AU law states that the anti-corruption commission ensures that the identity of persons involved in the context of the disclosure process including that of whistleblowers, witnesses and the alleged instigator of the act of corruption be protected. Section 16 of the Act prohibits the disclosure of the name and address of the informant during a civil criminal trial.

52. Article 12-2 of the same law provides that the members of the commission have the "power to enter any premises and public buildings and require any agent and any public authority whatever their rank in the hierarchy to provide any information on the organization, functioning, and responsibilities within the department and produce all relevant documentation." In addition, this law provides in Article 17 that "anyone who engages in reprisals against a whistleblower or witness shall be punished by imprisonment of one to three months and be fined 250,000 to 500,000 FC.

#### **Article 10: Funding of Political Parties**

53. There is no legislation on the financing of political parties. However, some actors have actively lobbied the government for a bill on the financing of political parties.

#### **Article 11: Private Sector**

54. Cases of corruption in the private sector and by the agents belonging to this sector are punished by Law no. 08-013/AU. There is also a law that has been passed to establish an

institution designated as the authority for regulation of procurement, responsible for ensuring compliance with the rules of competition.

#### **Article 12: Civil Society and the Media**

55. Under a charter established between the Anti-Corruption Commission and civil society, the latter plays the role of an interface with the public and contributes to the popularization of laws relating the fight against corruption. Although there is no specific legislation that provides media access to information in cases of corruption, the Information Act allows the media to have access to information.

#### **Congo**

56. Congo signed the AUCPCC on 27 February 2004, ratified it on 31 January 2006, and deposited the instruments of ratification on 24 April 2006.

#### **Article 5: Legislative and other Measures**

57. To fight corruption, the Congo adopted the Anti-Corruption Law no. 5-2009 of September 2009. The legislation created the Anti-Corruption Observatory (OAC), an independent body that consists of 9 members appointed by the president from the government, civil society, and the private sector. The Congo is a party to the Organization for the Harmonization of Business Law in Africa (OHBLA) that subjects foreign companies on Congolese territory to national laws

#### **Article 7: The Fight against Corruption and other related Offenses in the Public Service**

58. The Congolese constitution adopted in 2002 requires every citizen elected or appointed to high public office to declare his assets when taking office and at the end. However, this constitutional provision has not yet been applied in the absence of implementing legislation.

#### **Article 9: Access to Information**

59. Congo has legislative or other measures to ensure access to information. Article 161 of Congolese constitution adopted in 2002 provides the freedom of communication guarantees through the Superior Council. Law no. 5 -2009 of September 2009 on extortion, fraud and related offenses, has provisions protecting whistleblowers of corruption.

#### **Article 10: Funding of Political Parties**

60. Congo has legislative or other measures to ensure transparency in the funding of political parties. The Law on Political Parties regulates these provisions.

#### **Article 11: Private Sector**

61. Congo has legislative or other measures to prevent and fight against corruption in the private sector. Law no. 5 -2009 of September 2009 on extortion, fraud and related offenses, has such clauses.

## **Article 12: Civil Society and the Media**

62. The action plan for the fight against corruption, bribery and fraud and to improve governance in the Republic of Congo from August 2009, provides actions to take in the place of civil society through awareness campaigns on corruption. A consultation framework exists.

63. Congo has legislative or other measures to ensure access to information in the case of corruption. Article 161 of the Congolese constitution adopted in 2002 provides the freedom of communication through the Superior Council.

## **Côte d'Ivoire**

64. Côte d'Ivoire signed the AUCPCC in 2004 and ratified in November 2012.

## **Article 5: Legislative and Other Measures**

65. For many years, the legal framework anti-corruption in Côte d'Ivoire was the Penal Code that criminalizes passive and active bribery of public officials; the code forbids the act of offering, giving and promising a bribe (active bribery), and the act of soliciting, asking for, agreeing to and accepting a bribe (passive briber). In 2002, the government set up an Inter-Ministerial Committee on Governance (CIG) and the National Secretariat for Governance and Capacity Development (SNGRC) to strengthen the anti-corruption framework. These efforts culminated in the establishment of a High Authority of Good Governance under ordinance no. 2013-661 of September 2013 to enable effective anti-corruption measures; at the same time, together with the UNDP, the government launched a 2009-2013 good governance programme to improve the quality of public services, decentralisation, citizen participation, and the strengthening of administrative and economic governance. The National Secretariat is an autonomous governmental entity under the prime minister which has advanced the anti-corruption agenda by advocating for the adoption of a new anti-corruption law and the establishment of an anti-corruption commission. As a result of these efforts, new anti-corruption laws were adopted in 2013. Under ordinance 2013-660, corruption has been expanded to include corruption by foreign officials.

66. To fight money laundering, the government passed a 2005 law; in 2008, the Financial Intelligence Unit (CENTIF) was established to monitor, investigate, and prosecute money laundering offenses. The CENTIF is formally independent and strategically and financially autonomous. Besides the CENTIF, the government has created an inter-ministerial committee to monitor anti-money laundering and an Inter-Governmental Action Group against Money Laundering in West Africa-related activities (GIABA).

## **Article 7: The Fight against Corruption and other Related Offenses in the Public Service**

67. Although Cote d'Ivoire does not have any regulations governing conflict of interest for public officials, the government adopted a Code of Ethics for public officials in August 2011 to battle corruption and 'moralize' the public service. Although the president is the only public official who is required to declare his assets, parliament is considering a draft code of conduct for public officials that includes illicit enrichment and asset declaration. Cote d'Ivoire undertook

significant reforms regarding public procurement which led to the adoption, in 2009, of a new public procurement code and the establishment of the National Authority for Public Procurement Regulation (ARMP). This structure was aimed to improve transparency and integrity of the public procurement process. The ARMP receives complaints and observations regarding procurement projects and can decide on their suspension or cancellation. In addition, the office of the Inspector-General of Finances is responsible for overseeing the utilisation of public funds and to prevent frauds, abuses and corruption.

#### **Article 9: Access to Information**

**68.** To strengthen the freedom of speech and freedom of the press which are guaranteed by the Ivorian law, parliament passed the access to information law in December 2013 within a record time of two months, demonstrating the highest level of commitment by the government. The law mirrors Africa's Model on Access to Information including allowing access to all legal and natural persons, providing for independent oversight, and no requirement for justification of need for information. It also made Cote d'Ivoire eligible for membership in the Open Governance Partnership (OGP) by December 2014. OGP is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, and fight corruption.

#### **Article 10: Funding of Political Parties**

**69.** There are two laws governing the funding of political parties: the 2004 on public financing of political parties and the code of conduct for political parties and candidates. The legal framework provides for the use of state resources for political campaigns and bans donations from foreign interests. It also regulates how much funds can be given to parties and candidates. Political parties have the obligation to annually report their finances to the Court of Accounts. These reports should, by law, be made public and should disclose the identity of contributors.

#### **Article 11: Private Sector**

**70.** As the centre of development in Cote d'Ivoire, the private sector has played a prominent role in fostering a more transparent economic environment. Both national and international corporate actors have taken actions to strengthen private sector governance to favour a clean business environment. The French Chamber of Commerce in Cote d'Ivoire has brought about innovative measures to favour business, such as the creation of an anti-corruption brigade and the strengthening of the fight against racketeering. In 2010, the Global Compact Network in Cote d'Ivoire, together with the World Bank, launched the Enterprise Revitalization and Governance Project, focusing on small and medium-sized enterprises, to improve the country's business climate. In addition, the German Agency for International Cooperation (GIZ) initiated the PPP Fund for Mano River Union countries in 2012 to initiate development partnerships with the private sector in Côte d'Ivoire, Guinea, Liberia and Sierra Leone. These projects give incentives to local companies to not engage in corrupt activities as they only involve companies that respect certain key values such as anti-corruption.

## **Article 12: Civil Society and the Media**

71. Freedom of association has improved since the end of the civil war as both domestic and international nongovernmental organizations generally operated freely. The constitution protects the right to free assembly. Attempts to incorporate civil society actors are bound to increase with the passage of new anti-corruption laws and renewed campaigns to raise awareness about corruption. Similarly, the passage of the Freedom of Information (FOI) law will deepen the role of the media in anti-corruption activities.

## **Ethiopia**

72. The Republic of Ethiopia signed the AUCPCC on June 1, 2004 and ratified it September 18, 2007. The instrument was deposited on October 16, 2007.

## **Article 5: Legislative and other Measures**

73. In 2001, Ethiopia established the Federal Ethics and Anti-Corruption Commission (FEACC) which serves as the major anti-corruption institution. It has three purposes: to educate the public about the ills of corruption, to investigate and prosecute those engaged in corruption, and to take preventive measures against corruption. The government has adopted several proclamations for effective public financial management including a code of good practice on fiscal transparency, auditing, and accounting standards.

## **Article 7: Fight against Corruption and Related Offences in the Public Service**

74. The FEACC has established 267 ethical offices in government agencies to monitor the state of corruption and to coordinate ethical activities. Anti-corruption is linked to civil service reform. In 2010, parliament adopted the Asset Registration to register the income and assets of high-level government officials. In a bid to stamp out corruption and ensure accountability, a new Ethiopian legislation was enacted in 2013 and requires senior government officials to have their entire assets, as well as those of their close family members, registered by the FEACC. Ethiopia also enacted the disclosure and registration of assets proclamation bill, which will see top officials who fail to have the required assets registered slapped with criminal charges, prison terms and fines. The president, prime minister, ministers, state ministers, deputy ministers, commissioners, governors of the central bank and other top executive officials, will not be exempted from the exercise.

## **Article 9: Access to Information**

75. In 2010, the Federal Parliament passed the Whistle-blowers' Protection Bill. Article 20/4 of the bill encourages public support for effective implementation of the proclamation by promising Whistle-blowers 25 per cent of assets they help seize from officials.

## **Article 10: Funding of Political Parties**

76. Ethiopia imposes a ban with regard to donations from foreign interests to political parties. Any donation received from foreign interests is confiscated and the party is required to give the donation and all documentation to the Electoral Board of Ethiopia within 21 days. There is also a

ban on donations to political parties from corporations with government contracts or partial government ownership to political parties. Further, the law prohibits donations or grants to political parties from welfare organizations, NGOs or trade unions. It also bans anonymous donations to candidates. The law makes provision for direct public funding to political parties.

#### **Article 11: Private Sector**

77. As part of the wide-ranging reforms, the government has promoted private sector-led sustainable development to reduce poverty. The government established the Ethiopian Investment Commission (EIC) that provides investment information and a one-stop shop that has cut the cost of obtaining investment and business licences. In addition, a number of measures have been undertaken to improve the investment climate, particularly the commercialization and privatization of state-owned enterprises through the establishment of the Privatization and Public Enterprises Supervising Agency (PPSA).

78. The government has recognized that private sector corruption has taken the form of private-to-private corruption whereby private companies yield procurement contracts to other private companies in return for bribes. To meet some of these challenges, the government has simplified administrative structures, clarified rules regulating private activities, and reduced the time necessary to obtain business licences. Curbing private sector corruption has also entailed adherence to international standards on money laundering and illicit financial flows, adoption of a code of good practices in fiscal transparency, auditing, and accounting standards.

79. To strengthen the law on money laundering, the National Bank of Ethiopia drafted a bill on money laundering which was endorsed by the Council of Ministers in June 2009 and passed into law by the Ethiopian parliament in November 2009. The new law criminalizes money laundering and established the Financial Intelligence Unit. The law also obliges depositors to disclose their source of money when depositing or transferring funds.

#### **Article 12: Civil Society and the Media**

80. Civil society and the media in Ethiopia are engaged in anti-corruption activities through civic awareness programmes introduced in 2005. Transparency Ethiopia is a local chapter of Transparency International that was established in 2002. It conducts advocacy work on anti-corruption laws and promotes greater public awareness of corruption issues through reporting, workshops, seminars, and events. It has also built coalitions with the private sector, other civil society organisations and governmental entities to prevent corrupt practices and strengthen public institutions. For example, it has conducted research and functioned as advisor on selected anti-corruption issues for the FEACC. In 2009, it produced the Corruption Diagnostic Baseline Survey 2009, which gathers data on citizens' confidence in public institutions and evaluates the quality of public services. In 2010, Transparency Ethiopia initiated a journalist roundtable in cooperation with the FEACC to encourage the media to engage in anti-corruption and ethics issues. The roundtable discussion focused on the barriers that handicapped anti-corruption investigations and the need to conduct anti-corruption civic and media campaigns.



## **Gabon**

81. Gabon signed the AUCPCC on 29 June 2004. It was ratified on 2 March 2009 and deposited with the AU on 08 April, 2009.

### **Articles 5: Legislative and other Measures**

82. Gabon's law no. 002 /2003 of May 2003 established a system to prevent and suppress corruption. This law established the National Commission for the Fight against Illicit Enrichment as an independent administrative authority with financial and managerial authority.

83. Gabon is also a signatory to the Organization for the Harmonization of Business Law in Africa (OHBLA) that regulates the role of foreign companies in African countries.

### **Article 7: The Fight against Corruption and other Related Offenses in the Public Service**

84. Article 2 of Decree 00324/PR/MCEILPLC of April 2004 lays down the procedures for declaration of assets by the trustees of the authority of the state and the conditions of conservation and exploitation of those statements specifies the authorities subject to this obligation. In addition, Article 8 of the Decree provides for penalties ranging from a fine and removal from office. Law No. 001/2005 of February 2005 on the general status of the public provides for sanctions for any act of dishonesty committed by an official through the Disciplinary Board. It complements certain provisions contained in Law no. 001/2005 of February 2005 on the general status of the public service.

### **Article 9: Access to Information**

85. Article 31 paragraph 2 of Act no. 003 /2003 of May 2003 on the establishment, organization and functioning of the National Commission for the Fight against Illicit Enrichment provides that "any person or entity is required to disclose to investigators of the National Commission for the Fight against illicit Enrichment any document or item that will be useful to their investigations." In paragraph 3 of that article, it is mentioned that "any denial of access must be written in a report forwarded to the judge who may order the production of the item, document or information required under penalty where appropriate, a fine per day for every delay.

### **Article 10: Funding of Political parties**

86. Article 24 of Law no. 24/ 96 of June 1996 on political parties states that the State has the duty to participate in the funding of political parties by annual operating grants and electoral campaigns. Article 27 prohibits the use of any other means of external financing.

### **Article 11: Private Sector**

87. Article 15 of Law no. 002 /2003 of May 2003 punishes acts of corruption committed in the public sector as well as in the private sector.

## **Article 12: Civil Society and the Media**

88. Although the current legislative and regulatory provisions do not specifically mention the involvement of civil society in the implementation of policies to fight against corruption, illicit enrichment and money laundering, civil society organizations are mobilized in the fight against corruption. Article 17 of Law no. 12/ 2001 of 2001 on the Code of audiovisual, film, and written communication grants total freedom for the benefit of communication professionals in access, collection, and use of information. In this regard, they have the right to freely conduct investigations on all the facts concerning the life of the nation subject to compliance of state secrecy and the privacy of citizens.

## **Ghana**

89. The Republic of Ghana signed the AUCPCC on October 31, 2003 and ratified on June 13, 2007. The instrument was deposited on July 20, 2007.

## **Article 5: Legislative and other Measures**

90. The legal framework for addressing corruption is generally well-established in Ghana, including the Anti-Money Laundering Act 2008, the Code of Conduct for Public Officers, the Public Procurement Act, the Financial Administration Act, and the Internal Audit Agency Act that seek to promote transparency and combat corruption. The Commission on Human Rights and Administrative Justice (CHRAJ) forms one of Ghana's two main anti-corruption bodies. It functions as a national human rights institution, an ombudsman and an anti-corruption agency. The Ghana Audit Service (GAS) functions as the supreme audit institution, reviewing public sector accounts. Other initiatives to combat corruption include the Ghana Integrity Initiative, a local chapter of Transparency International; the Ghana Anti-Corruption Coalition which has an action plan to combat corruption; and the 2001 Presidential Declaration of Zero Tolerance for Corruption. Through a working group of anti-corruption practitioners and experts, the CHRAJ coordinated the formulation of the National Anti-Corruption Plan 2012-2021 (NACAP).

## **Article 7: Fight against Corruption and Related Offences in the Public Service**

91. The CHRAJ, created in 1993 is responsible for stamping out corruption in the public service. Its major functions are: investigate all instances of corruption and suspected instances of misappropriation of public funds by officials. The new Code of Conduct for Public Officers has guidelines on conflict of interest by civil servants. The Office of Accountability, created in 2003 under the Presidency, is responsible for all presidential appointees. To reduce public sector corruption, the government has taken various other mechanisms, including: enforcement of the leadership code of conduct; simplification of procedures in the delivery of public services; prompt investigation of corruption allegations; and streamlining procurement procedures. The Public Procurement Act provides a comprehensive framework for developing and strengthening procurement institutions and operational processes to promote poverty reduction, private sector development, good governance and anti-corruption. The Act has also brought Ghana's public procurement policy in line with WTO standards, and standard tender documents have enhanced competition and improved efficiency and transparency in the procurement process. Similarly,

the Financial Administration Act and the Internal Audit Agency Act have been introduced to promote public sector accountability and to combat corruption.

#### **Article 9: Access to Information**

92. In August 2006, Ghana's parliament passed the Whistle Blower's Act which provides for the manner in which individuals may, in public interest, disclose information that relates to unlawful or other illegal conduct or corrupt practices of others. The Act provides for the protection against victimisation of persons who make these disclosures and for a fund to reward individuals for doing so. In June 2013, Cabinet approved amendments to the Whistleblower's Act to widen the net of protection to non-government employees who may wish to report crimes in their places of work, including corrupt practices, to the security agencies. Henceforth, whistle-blowers working in the private sector would be shielded from victimisation and vilification from their employers for exposing malfeasance. The amendment also allows the setting up of a Special Fund to reward those who blow the whistle on all wrongdoings. Despite this, Ghana has yet to pass legislation protecting freedom of information which has been in parliament since 2009; in March 2013 current President John Mahama asked Parliament should pass the freedom of information bill.

#### **Article 10: Funding of Political Parties**

93. The legal framework for political party financing in Ghana gives political parties room to raise contributions for their operations and electioneering campaigns from party members, sale of party paraphernalia as well levies from national businesses. The law establishes no limits as to how much a party or candidate can spend and no disclosure obligation for what they spend their funds on. This means that huge amounts of money are spent by political parties and candidates in elections and the figures are not declared to the electoral commission. Political parties are required to declare to the public their assets and revenues and the sources of those revenues and assets, and to publish annual audited accounts; The law bans donations from foreign interests to political parties, although this does not apply to foreign donations to the Electoral Commission of Ghana. Donations from companies whose ownership is less than 75 per cent in the hands of a Ghanaian citizen are also banned. There is also a ban on state resources being given or received by a political party or a candidate, except regulated public funding. Ghana is one of the countries with a long tradition of private financing of political parties. The law provides two forms of indirect public funding to contesting political parties and presidential candidates in election periods: free airtime in the state-owned media to present their programmes and campaign messages, and the access to vehicles according to the number of candidates each political party fields in the election.

#### **Article 11: Private Sector**

94. Ghana has developed an anti-corruption policy for the private sector through reforms to the Business Code in order to "robustly confront private sector corruption" in accordance with the 10th Principle of the UN Global Compact. There is a general perception that, in recent years, the level of corruption in the private sector has decreased because of the efforts made by the government to improve the regulatory environment for the private sector in key areas such as

administrative procedures for starting a company, paying taxes, and trading across borders. The Association of Ghana Industries, Ghana National Chamber of Commerce & Industries and Ghana Employers Association produced the Ghana Business Code (GBC) which elaborates the obligations and acts that are allowed or disallowed on the part of the businesses, ranging from gift giving, conflict of interest as well as accounting practices. **The** GHBC is a series of guidelines based on the universal principles referred to in the UN Global Compact 10 Principles relating to human rights, labour standards, the environment and anti-corruption. The GHBC is intended to present best practices by adding requirements beyond core labour rights and is the first code ever formulated to apply to all segments of the national business community.

**95.** In March 2011, the government passed the Petroleum Revenue Management Bill, which seeks to bring greater transparency and accountability to the oil sector. Furthermore, in October 2011, the Public Interest and Accountability Committee was set up to manage Ghana's oil revenue and to ensure transparency.

#### **Article 12: Civil Society and the Media**

**96.** Ghana has established a strong practice of civil society engagement on issues of combating corruption, captured in national campaigns by religious and civic leaders and the coalescence of non-state actors around the Ghana Anti-Corruption Coalition (GACC). The GACC is a grouping of public, private and civil society organisations focusing on monitoring and evaluating the anti-corruption process. The strategic aim of the GACC is not only to monitor and evaluate the anti-corruption process but also to lobby, educate, influence and commit the government to mainstream anti-corruption measures and ongoing governance programmes. As a part of its Media and Advocacy Programme, GACC also collaborates with several media institutions on informing the public of the importance of fighting corruption. Ghana Civil Society is part of a coalition of thirty civil society organisations from sixteen countries called Africa Freedom of Information Centre (AFIC) that adopted the Lagos Declaration on the Rights of Access to information.

**97.** The media in Ghana is generally considered to be independent and there are lively debates about corruption. The Ghana Journalist's Association (GJA) is a member of the GACC and works to promote high standards of professionalism, integrity and accountability in Ghana's media. In addition, the role of the media has been enhanced through investigative journalism uncovering cases of corruption in public sector institutions.

#### **Guinea**

**98.** Guinea signed the AUPCCC on 16 December 2003, ratified it on 5 March 2012. The instrument of ratification was deposited with the AU on 12 April 2012.

#### **Articles 5: Legislative and Other Measures**

**99.** The criminalization of these acts has been included in the Guinean Criminal Code and included in the anti-corruption bill that created the National Agency for the Fight against Corruption. Guinea is a party to the Organization for the Harmonization of Business Law in Africa (OHBLA) that governs foreign companies in Africa.

### **Article 7: The Fight against Corruption and Related Offenses in the Public Service**

100. The Constitution of Guinea provides for the declaration of assets by public servants, including the President and Ministers before and after taking office. The code also regulates transparency in government procurement.

### **Article 9: Access to Information**

101. There is a law in Guinea allowing access to public information and the Constitution guarantees freedom of expression and opinion.

### **Article 10: Funding of Political Parties**

102. No information available.

### **Article 11: Private Sector**

103. No information available.

### **Article 12: Civil Society and the Media**

104. Guinea has started the process of involving the participation of civil society in anti-corruption measures through the coordinated action of several platforms of civil society and the media. For example, there is the National Council of Civil Society, the Platform of Citizens United for Development, Citizen Coalition for Debt and Development ' Alternatives, and the Coalition of National Civil Society Organizations.

### **Kenya**

105. The Republic of Kenya signed the AUCPCC on December 17, 2003 and ratified on February 3, 2007. The instrument was deposited on March 7, 2007.

### **Article 5: Legislative and other Measures**

106. Kenya has adopted various instruments to combat corruption, among them, the Anti-Corruption and Economic Crimes Act 2003 which defines and criminalises corruption and establishes rules for integrity and transparency. The tasks of the EACC include the investigation of corruption and economic crime, examination of practices and procedures of public bodies and educating the public on the dangers of corruption and economic crime. The EACC has powers to prosecute given to it by Parliament. Other institutions include the Public Procurement and Disposal of Assets Bill. the Kenya Anti-Corruption Advisory Board (KACAB), and the Permanent National Anti-Corruption Campaign Steering Committee (PNACCSC). The latter was appointed by the president in 2003 to coordinate nation-wide campaign against corruption.

### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

107. The Public Officers Ethics Act 2003 sets rules for transparency and accountability and regulates the actions of public officers. A clause from the new Constitution states that public servants suspected of abusing public funds have to resign. Civil servants are also required to

declare their wealth. The Service Commission's Act has a Code of Regulations for civil servants that require meritocratic recruitment and promotion of public officials, as well as provisions to ensure their political independence. In the past, civil servants have faced sanctions for breaching this code. The government has also got a framework designed to improve the institutional capacity of government to effectively prosecute public officials guilty of corruption. Under the framework, the government is committed to creating a requisite legal and institutional structure for effective prosecution of offenders. There are Anti-Corruption Preventive Committees in each ministry and at the cabinet office and District Anti-Corruption Committees at the district level. Further, the government established an ethics and governance committee of the judiciary to collect information to determine the levels of corruption in the judiciary, report on individual cases, and recommend remedial measures.

**108.** Curbing corruption in the public service has been accompanied by wide-ranging reforms. Central to the reforms of governance are the increasing number of government agencies with codes of conduct and reforms of the public financial management (PFM) systems. These reforms in the PFM arena are meant to greatly enhance transparency and accountability in the utilization of public resources and thereby improve service delivery to the public. The Public Procurement and Disposal Act (PPDA) was enacted in December 2006 to promote more unified and transparent public procurements, and established the Public Procurement Oversight Authority (PPOA) to oversee all procurement matters. The PPOA, under the Ministry of Finance, is responsible for policy formulation and implementation as well as oversight of the public procurement process in Kenya. In 2009, Parliament passed the Proceeds of Crime and Anti-Money Laundering Bill. The Anti-Money Laundering Advisory Board has approved the creation of a Financial Reporting Centre. The centre's objectives will be to investigate suspicious transactions and develop policies in consultation with the advisory board.

#### **Article 9: Access to Information**

**109.** The Kenyan Constitution provides for the right of access to information. Kenya enacted a Witness Protection Act in 2003. Article 35 of the Constitution of Kenya, 2010, provides as follows:-

*(1) Every citizen has the right to access: (a) information held by the State; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom. (2) Every person has the right to the correction or deletion of untrue or misleading information that affects the person. (3) The State shall publish and publicise any important information affecting the nation.*

**110.** According to the EACC Act and the Witness Protection Act, no disciplinary action may be taken against any private or public employee who assists an investigation or discloses information for such an investigation. Courts are required to conceal or remove any information that may disclose the identity of the informer and to provide relocation and identity change if required. The Ministry of Finance also operates a whistleblower reporting system and the Kenya Revenue Authority operates a complaints and information centre.

**111.** The government has taken additional steps to develop freedom of information legislation. After issuing a draft policy for public consultation, it drafted a Freedom of Information Bill for

tabling in Parliament that provides for both proactive disclosure and repeal of the Official Secrets Act. The government launched an Open Data Portal, making Kenya the first African country to make government data accessible to ordinary citizens via the Internet.

#### **Article 10: Funding of Political Parties**

**112.** As part of wide-ranging political reforms in Kenya, the government created a Political Parties Fund to be shared according to the numerical strength of parties in the national legislature. The Political Parties Act provides (section 25(1) and (2)) that 95 per cent of funds shall be distributed proportionately but only to parties that have secured at least 5 per cent of the total number of votes in the preceding general election. In addition, through the Campaign Finance Bill, the Independent Electoral and Boundaries Commission requires more transparency and frequent public disclosure of campaign finances. This bill seeks to bridge the funding gap between political parties to curb corruption, limit the influence of special interests, and limit the impact of money on electoral outcomes, and force parties to be accountable to members.

**113.** The Political Parties Act 2011 requires all parties to publish audited accounts in at least two daily newspapers within 90 days of the end of the financial year in June. The parties are expected to state in their published statement the source of funds, income and expenditure, assets and liabilities. The source of the funds should state the amount received from the Political Parties Fund, membership contributions, and donations.

#### **Article 11: Private Sector**

**114.** Despite market reforms, several business surveys reveal that private sector corruption is still widespread. The private sector has considerable influence on public policy, laws, and regulations. Moreover, the use of agents to facilitate business operations and transactions in Kenya poses risks for companies, particularly at the entry and business start-up stage. As part of measures to deal with these problems, the government has worked with the private sector to improve the regulatory environment that promotes better corporate governance, including introduction of specialized public procurement due diligence tools to mitigate corruption risks.

**115.** The private sector has been using existing integrity systems and conducting extensive due diligence when doing business in Kenya. Further, bribery through agents can lead to legal sanctions, including high fines and a maximum 10-year prison sentence. With the Investment Promotion Act, 2004, the government significantly reformed the regulatory framework for setting up businesses, resulting in less red tape and corruption. As a result of these measures, investors have reported that they can now do business with less frequent political interference.

**116.** Kenya's private sector has adopted the Code of Business Integrity (COBI), an initiative created by the Nigerian private sector. The CONBI has a code of conduct whereby private sector signatories pledge to adhere to legal, moral and professional duty not to engage in, promote, or condone any form of corruption or corrupt practice. The CBI also promotes the adoption of internal whistle-blowing procedures and the appointment of an Ethics Counsellor within the organisation to increase the integrity of the organisation.

## **Article 12: Civil Society and the Media**

117. The National Anti-Corruption Steering Committee has representation from civil society and the media in its coordination and implementation framework. The Kenya Anti-Corruption Advisory Board (KACAB) comprises religious organizations, professional associations, and labour organizations. CSOs such as Ufadhili Trust and the Africa Centre for Open Governance respectively are active in promoting anti-corruption strategies and also engage with the business sector. AfriCOG, for example exposed corruption orchestrated by Vodafone Kenya Ltd. Journalists do engage in investigative reporting exposing corruption and related offences and have received numerous awards.

## **Lesotho**

118. Lesotho signed the AUCPCC on 27/02/2004 and ratified on 26/10/2004. The instrument was deposited on 05/11/2004.

## **Article 5: Legislative and other Measures**

119. The government has instituted measures to fight corruption, including the Prevention of Economic Crimes and Offences of 1999 that created the Directorate of Corruption and Economic Offences (DCEO) in 2003; the Office of Ombudsman; and the Office of Accountant General.

## **Article 7: The Fight against Corruption and Related Offences in the Public Service**

120. The functions of the DCEO include: investigating suspected corruption cases in public bodies, prevention, and public education. The Act empowers the minister of public service to require any public official to dispose of direct and indirect financial interests in any undertaking as well as interests which are incompatible with the discharge of public duties.

121. The country has two institutions that are mandated to clamp down on corruption in the public sphere: the Office of the Auditor General (OAG) and Parliamentary Accounts Committee (PAC). The OAG audits the accounts of government institutions and state-owned enterprises while the PAC examines the public accounts and reviews the reports of the OAG.

## **Article 9: Access to Information**

122. The government has fostered a climate for access to information that permits the public to participate and monitor public officeholders. Nonetheless, some civil society organizations have complained about the challenges of obtaining accurate information that is essential to their anti-corruption campaigns. The government has signaled determination to enact legislation that enhances access to public information.

## **Article 10: Funding of Political Parties**

123. There are no bans of any kind with regard to political party funding. Donations from foreign interests to political parties are explicitly allowed and contributions exceeding M 20,000 (USD 4,400) must be disclosed within thirty days of receipt. The law makes provision for direct public funding to political parties.



### **Article 11: Private Sector**

**124.** The private sector has been strengthened by the privatization of state-owned monopolies, but concerns have arisen about the establishment of privatized monopolies and the absence of transparency in some of the privatization processes. The 1995 Privatization Act created a privatization unit within the Ministry of Finance and has been at the forefront of setting rules that improve the regulatory environment for the private sector.

**125.** In addition, the Financial Institutions Act 1995 has overseen reforms in the public finance realm. The Directorate on Corruption and Economic Offences (DCEO) also has the mandate to investigate alleged cases of corruption in both the public and private sector.

### **Article 12: Civil Society and the Media**

**126.** Lesotho has a small formal civil society sphere which is organized under the umbrella body of the Lesotho Council of Non-Governmental Organizations (LCN). Although it is weakly resourced, it has not shied away from being vocal about social issues and corruption. Freedom of expression is respected in principle, although the state has shown discomfort with, and sometimes antagonism toward, the media's role within society. There is government tolerance of media criticisms, but the role of the media in anti-corruption campaigns remains low.

### **Liberia**

**127.** Liberia signed the AUCPCC on 16/12/2003, ratified it on 20/06/2007, the instrument of ratification was deposited with the AU.

### **Articles 5: Legislative and other Measures**

**128.** The Liberian Penal Code criminalizes active and passive corruption, extortion, foreign bribery and money laundering. The Liberia Anti-Corruption Commission (LACC) was enacted into law in 2008 with the mandate to investigate corruption cases; evidence is turned to the Ministry of Justice for prosecution. The LACC is empowered to prosecute cases that the Ministry of Justice fails to prosecute. The LACC's five Commissioners are nominated by the President and confirmed by the Senate. The LACC has an Executive Director and aided by three line managers. The Government funds the Commission with development partners lending program support. There is a Public Procurement and Concessions Commission (PPCC). There is also a constitutional General Auditing Commission (GAC). The financial management system has been strengthened through the promulgation of a public Financial Management Law as well as regulations for effective implementation. An Integrated Financial Management System is in place. Liberia also has an Anti-Money Laundering and Terrorist Financing Act (2013). A National Bureau of Concessions was established to oversee the compliance of the laws in force. The LACC has undertaken massive public awareness across the country and in schools both secondary and tertiary on the necessity of eradicating corruption to propel development. In 2006, the government alongside civil society and donors developed a national anti-corruption strategy.

## **Article 7: The Fight against Corruption and other Related offenses in the Public Service**

**129.** The 1976 Penal Law Act has a clause that defines offenses against government integrity. Efforts are underway to criminalize illicit enrichment should the amendment to the Anti-Corruption Commission Act go through parliament. Nonetheless, the Liberia Anti-Corruption Commission Act of 2008 makes influence peddling an act of corruption. In 2009, the Liberia Anti-Corruption Commission initiated requirements for assets, income and liabilities declaration by the President, Vice President, Ministers, Deputy Ministers, Assistant Ministers, and Commissioners. They are required to declare every two years. The Anti-Corruption Commission Act of 2008 provides for prosecution of individuals for providing false and misleading information. A National Code of Conduct has been passed by the Senate and is pending concurrence by the House of Representatives. The government has also enacted a public procurement and public financial management laws to make budget, financial, and financial management more transparent, participatory. The Public Procurement and Concessions Commission (PPCC) was created to oversee both procurement of goods and services. The government has taken measures to guarantee the independence of the General Accounting Commission (GAC) by making it to report to the legislature.

## **Article 9: Access to Information**

**130.** Liberia has a Freedom of Information Act enacted in 2008. Citizens and anyone can use this Act to access information which is not exempted under the said law. The 1986 Constitution states that there shall be no limitation on the public right to be informed about the government and its functionaries. In the absence of a legislative enactment, the president issued an Executive Order (No. 38) to protect Whistle blowers and also give them incentives to report cases of corruption. The LACC has a policy of not disclosing the identities of whistle blowers. There is a whistle blowers protection Bill pending before the Legislature. The General Accounting Commission (GAC) publishes regular audits of large spending ministries which are publicly available on the GAC website.

## **Article 10: Funding of Political Parties**

**131.** Legislation provides for the financing of political parties through public resources. It is estimated that 0.25 per cent of total tax revenue of Liberia is spent on funding political parties to prevent them from engaging in corruption. The New Elections Law provides for strict accounting to the Electoral Management Body by political parties of their financial standing. There are also ceilings of expenditure set for the various categories of candidates. Political parties must submit their accounting statements to the Supreme Court that analyses and approves them. Only political parties whose accounts have been approved by the Supreme Court are entitled to public funding depending on the number of local and national politicians. Proceeds from illegal and corrupt practices are prohibited under the electoral law. Such proceeds are turned over to the Electoral Body pending investigation determine their origin.

### **Private Sector**

132. The Anti-Corruption Commission Act covers the private sector as well. The Liberia Chamber of Commerce, the Liberia Business Association and the Liberia Better Business Forum are all fora whereby Government can engage the Business community.

### **Article 12: Civil Society and the Media**

133. The constitution guaranteed freedom of the press and speech. Citizens and the media can criticise the government without reprisals. The media has been active in reporting corrupt practices and in participating in national anti-corruption campaigns. The constitution also provides for the right of association and the government has not impeded the establishment of anti-corruption organizations. Many of them exist such as the Publish What You Pay Coalition, the Centre for Transparency and Accountability in Liberia (CENTAL), the Liberia Freedom of Information Coalition, and Actions for Genuine Democratic Alternatives. These organizations are involved in the annual celebration of the International Anti-Corruption Day to raise awareness about corruption.

### **Malawi**

134. Malawi ratified it on 26/11/2007. On 27/12/2007 the instrument of ratification was deposited with the AU.

### **Articles 5: Legislative and other Measures**

135. Under Malawi's 1994 constitution the state is obligated to introduce measures that will guarantee accountability, transparency, personal integrity, and financial probity. As part of these efforts, parliament passed the Corrupt Practices Act (CPA) which established an autonomous Anti-Corruption Bureau (ACB) in 1995. The goal of the ACB is to take measures to prevent corruption in both public and private sector; to investigate complaints of alleged or suspected corrupt practices and all other offences under any law discovered in the course of such investigation; to prosecute offences under the Corrupt Practices Act; and to investigate and report on the conduct of any public officer which is connected or conducive to corrupt practices. The Act was amended in April 2004 to capture new offences such as the abuse of office. The Malawi government has also adopted the National Anti-Corruption Strategy (NACS) in 2008, the major policy document to implement standard procedures in both public and private sectors. The Anti-Corruption Bureau began to implement the strategy immediately after the launch in 2009. The Bureau presently operates as the interim secretariat of the NACS.

### **Article 7: The Fight against Corruption and other Related offenses in the Public Service**

136. The Anti-Corruption Act has created 13 offences, the majority of which target corrupt practices by public officers, corrupt practices with public officers, corrupt use of official powers, procuring corrupt use of official powers, public officers performing functions corruptly and the misuse of public office. As part of the National Anti-Corruption Strategy (NACS), Malawi introduced a National Integrity System (NIS) in key sectors, including the public service in an

attempt to promote public confidence in these sectors. Through the formation of Institutional Integrity Committees (IIC), members of NIC guide the implementation of anti-corruption programmes and monitor their performance in their respective sectors. These committees are required to: develop institutional Corruption Prevention Policies; develop, implement and review Anti-Corruption Action Plan for the institution; liaise with the ACB in reviewing work procedures or systems; organize integrity or ethics training for the IIC, and other members of staff; develop Clients Service Charters for their institutions and ensure publicity of the same; receive, consider and provide redress on all complaints emanating from within and outside organizations relating to ethical issues and maladministration, and; recommend administrative action to management on issues of maladministration and unethical conduct. The members of NIC form a National Anti-Corruption Forum, a think tank for articulating anti-corruption programmes in the country. In the public service, the Chief Secretary is a member of the NIC responsible for guiding the implementation of the NACS. The Anti-Corruption Bureau has proposed to Government that all public institutions should reserve 1 per cent of their annual budgets for anti-corruption programs to ensure that anti-corruption activities are carried out within the organization.

#### **Article 9: Access to Information**

**137.** The constitution guarantees access to information. The 2004 changes to the Anti-Corruption Act introduced the protection of whistle blowers. In February 2014, the Malawi Cabinet approved an access to information policy, setting the stage for introduction of access to information legislation.

#### **Article 10: Funding of Political Parties**

**138.** Provision for the funding of political parties by the state is provided for in the Constitution of the Republic of Malawi (1994, Article 40.2.). Parties which secure more than one-tenth of the national vote in elections to parliament are guaranteed sufficient funding. The purpose of the funding is not, apparently, to finance party campaigning, but to finance constituency work. The Parliamentary and Presidential Elections Act (1993, 66) provides that every political party may receive voluntary contributions from any individual or any non-governmental organisations or other private organization in or outside Malawi. Parties are free to receive any amounts of funds from any source whatsoever barring, by implication, funds from state bodies and public owned corporations. There are no limits on expenditures and no requirements to disclose either sources or deployment of funds.

#### **Private Sector**

**139.** The private sector is actively involved in the formulation and implementation of the NACS. The mandate assigned to the NIS of the private sector include: lobby for a review of laws which affect the private sector such as Companies Act, Cap.46:03 and Employment Act, Cap.55:02 to incorporate issues of corruption; educate and train the business community on issues of corruption; enhance communication on issues of corruption between the private sector, civil society and Government, and lobby for a review and amendment of laws for inclusion of Malawians in managerial or supervisory jobs in foreign owned businesses.

## **Article 12: Civil Society and the Media**

**140.** A vibrant community of civil Society organizations plays an important role in achieving the objectives of the national anti-corruption strategy Through advocacy, these organizations are expected to: educate the masses through public campaigns on the evils of corruption and how to prevent it; lobby the Executive and the Legislature to put in place relevant legal frame for promoting transparency; monitor and evaluate activities of all the branches of Government; and publicize as well as denounce corrupt practices through peaceful demonstrations. The major organizations are the Civil Society Coalition against Corruption which carries out activities in sensitizing the public on the dangers of corruption and the Malawi Economic Justice Network (MEJN), a coalition of civil society organisations concerned with economic governance. In 2013, some NGOs completed a National Integrity System Support Project which included ten weekly radio debates on various corruption issues.

**141.** Malawi has a vibrant media which is key to successful implementation of the national anti-corruption strategy by informing the public and generating debate on topical issues to do with corruption. The theme of the 2013 National Anti-Corruption Day commemorations was “Media: a Partner in the Fight against Corruption” in recognition of the important role of the media in the fight against corruption.

## **Mali**

**142.** Mali signed the AUCPCC on 9 December 2003, ratified it on 17 December 2004. On 14 January 2005, the instrument of ratification was deposited with the AU.

## **Articles 5: Legislative and other Measures**

**143.** Mali's Penal Code criminalizes acts referred to in Article 4.1 of the AUCPCC. Law no. 82-39/AN-RM of February 1982 on the suppression of illicit enrichment fell into disuse in the 1990s. Nevertheless, in August 2013 the Government adopted a draft law on the suppression of illicit enrichment.

**144.** Law no. 2012-009 of February 2012 that replaced the law no. 03-033 of August 2003 established the Auditor General. Mali has not enacted a broad system of combating corruption, money laundering, and other financial and economic crimes. The current system has scattered texts adopted mostly before the entry into force of the AUCPCC and the UNCAC.

## **Article 7: The Fight against Corruption and other Related offenses in the Public Service**

**145.** The declaration of assets is provided for by the Constitution of February 1992 for the President and Ministers before taking office to be renewed each year for the duration of their time in office.

## **Article 9: Access to Information**

**146.** There is a law on public access to information and documents relating to public management; there is also a law no. 00-046 of July 2000 on press freedom.

### **Article 10: Funding of Political Parties**

147. Legislation provides for the financing of political parties through public resources. It is estimated that 0.25 per cent of total tax revenue of the country is spent on funding political parties to prevent them from engaging in corruption. Political parties must submit their accounting statements to the Supreme Court that analyzes and approves them. Only political parties whose accounts have been approved by the Supreme Court are entitled to public funding depending on the number of local and national politicians.

### **Private Sector**

148. The Investment Code 2005 has reduced the application process to start a business and emphasized investments that promote handcrafts, exports, and labour intensive companies.

### **Article 12: Civil Society and the Media**

149. There are no specific provisions.

### **Mozambique**

150. The Republic of Mozambique signed the AUCPCC on 15 December 2003 and ratified on 2 August 2006. The instrument was deposited on 24 October 2006.

### **Article 5: Legislative and other Measures**

151. Mozambique's parliament passed the Anti-Corruption Act in 2004 that established the key institution to fight corruption, the Central Office to Fight Corruption (Gabinete Central de Combate à Corrupção, GCCC) operational since 2006. The Anti-Corruption Act criminalises extortion, attempted corruption, as well as active and passive bribery. The government passed an **Anti-Corruption Strategy 2006-2010** in 2006, which entails: rationalization and simplification of administrative procedures; reduction in the discretionary power of civil servants; development of a result-orientated public administration culture; strengthening accountability mechanisms in public financial, asset, and procurement management; establishment of mechanism for participation by the private sector and civil society in government action; increasing the trials of corruption to discourage the culture of impunity; and decentralization to bring services closer to the people.

152. In 2007, the government instituted a National Anti-Corruption Forum to broaden participation in anti-corruption campaigns. Furthermore, in April 2012, the government approved a national strategy to prevent and combat money laundering and terrorism funding based on four pillars comprising legislation, technical training for personnel, international co-operation, and organic reorganisation of all public, financial, police, and judicial institutions. As a result, President Guebuza signed the Money Laundering Law in July 2013.

### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

153. The GCCC carries out investigations of complaints in relation to corruption-related offences within the public sector. Law no. 4/90 and 21/92 makes it mandatory for the President

and other high ranking officials to declare their assets to the Constitutional Council not less than 30 days after the assumption of office; and Law no. 8/98 provides for a code of conduct for public officials. The law on asset disclosure by public officials was expanded in 2012 to make it compulsory for all government members, as well as their spouses, and legal dependents to disclose their assets. The passage of the Law on Public Integrity in July 2012 prohibits government officials from having external incomes or from being board members of other than charitable and educational institutions. Other corruption efforts in the public sector are anchored by the Public Sector Reform Programme Phase II (2006-2011) and the Inter-Ministerial Public Sector Reform Commission (Comissão Interministerial da Reforma do Sector Público, CIRESP). Chaired by the prime minister, the CIRESP is responsible for implementing and monitoring the anti-corruption strategy as well as the global strategy of public sector reform. Equally, public procurement is well-regulated by the **Public Procurement Law** (Law 54/2005) that contains provisions on conflicts of interest for procurement officials, mandatory professional training, and requirements for competitive bidding, complaint procedures, and rules for debarment of companies found guilty of violating procurement regulations.

#### **Article 9: Access to Information**

**154.** The Witness and Protection Act allows for the protection of whistleblowers and introduces a witness protection program that also provides for a new identity and relocation for witnesses. Although Mozambicans do not have formal access to information laws, Article 13 in the Anti-Corruption Law 6/2004 provides protection for both public and private sector employees who report cases of corruption committed by public officials. The establishment of the Public Integrity Act and the Witness and Protection Act sought to promote transparency within the government, but the protection of Whistle-blowers remains weak, and there have been cases where witnesses or whistle-blowers were harassed after denouncing crimes of corruption, or the theft of state funds.

#### **Article 10: Funding of Political Parties**

**155.** Political parties in Mozambique receive regular public subsidies for their overall functioning as political organizations and for election campaigning. Public funding is allocated on the basis of a mixed model (proportionality and equality). Political parties are required to declare their revenue (donors and amounts) and expenditure on an annual basis. Donations from foreign interests to political parties are banned. However, the ban does not apply to foreign citizens, friendly political parties and NGOs. With regard to candidates, donations from foreign governments and citizens are banned. However, organizations are explicitly allowed to give donations to candidates. There is also a ban on corporate donations to political parties.

#### **Article 11: Private Sector**

**156.** The private sector is part of the National Anti-corruption Forum and has been involved in other activities alongside the government and civil society. President Guebuza signed the Law on Public Integrity in 2011 to address conflict of interest issues involving the engagement of public officials in private business. There have also been improvements in the regulatory environment for the private sector stemming, in part, from the establishment of the Investment

Promotion Centre (CPI), which is intended to function as a one-stop shop for investors. Similarly, the Commercial Code 2005 is a step forward in relation to modernising the regulatory system. In 2009, Mozambique was accepted for candidacy by the Extractive Industries Transparency Initiative (EITI) and is now engaging in activities to strengthen resource revenue transparency. As of October 2012, Mozambique gained compliant status with the EITI.

**157.** The Sofala Commercial and Industrial Association (ACIS) has played an important role in developing a toolkit for combating business participation in corruption in Mozambique. ACIS is a private not-for-profit association founded in 2000 and its aim is to contribute to the promotion and development of commerce and industry. Upon joining, members are expected to sign up to the Business Code of Conduct. The Business against Corruption Toolkit (BACT) provides information on various international and national regulatory frameworks, the core values of transparency and integrity, prohibition against facilitation of payments, bribes, and commissions, and avoidance of conflicts of interests.

#### **Article 12: Civil Society and the Media**

**158.** An increasing number of civil society organizations such as the Centre for Public Integrity (CIP) have emerged in Mozambique to promote integrity, transparency, ethics and good governance in the public sphere. The CIP has conducted studies of corruption within specific sectors, for example, in health, education, and the judicial sectors. Similarly, Ethics Mozambique (*Ética Moçambique*) **was established in 2001 to** promote public integrity and ethics and fight corruption. In 2005, it successfully launched its own anti-corruption campaign and contributed to the World Bank's Governance and Anti-Corruption Diagnostic Survey 2005. Ethics Mozambique has been a driving force behind the setting up of anti-corruption centres in provincial capitals, where people can anonymously report incidences of corruption and also runs a civic education campaign to help citizens identify and protect themselves against corrupt officials or activities. The organization has a reporting mechanism through which citizens can report cases of corruption.

**159.** The media is a key player in the fight against corruption in Mozambique and local journalists have played an important role by investigating and exposing high-profile corruption cases. For instance, in 2012 the press released a report detailing abuses committed by the chairman of the Constitutional Council, leading to the establishment of a commission that charged him with abuse of office and the illegal appropriation of state funds.

#### **Namibia**

**160.** The Republic of Namibia signed the AUCPCC on December 9, 2003 and ratified on August 5, 2004. The instrument was deposited on August 26, 2004.

#### **Article 5: Legislative and Other Measures**

**161.** The legal framework for curbing corruption in Namibia is based on the Prevention of Organized Crimes Act (POCA), 2003. The Anti-Corruption Act specifies and criminalises all relevant corruption offences and provides for the establishment of the Anti-Corruption Commission (ACC) - an independent and impartial body answerable only to the National



Assembly. The ACC has the power to initiate corruption investigations and may refer cases to the Prosecutor General, who then chooses whether or not to proceed with cases. Each citizen is obliged by law to report corrupt practices to the Anti-Corruption Commission. The POCA is complemented by the Financial Intelligence Act of 2007 (FIA) that makes it mandatory for financial institutions and designated businesses to implement adequate policies and procedures. The FIA established the Anti-Money Laundering Advisory Council as the policy-making body on Namibian Anti-Money Laundering (AML) matters. In other measures, Namibia adopted the International Cooperation in Criminal Matters Act No. 9 of 2000 which regulates foreign companies under domestic law.

#### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

**162.** The Public Service Code of Conduct provides regulations governing gifts and hospitality offered to civil servants. Only members of parliament, the Director and Deputy Director of the ACC are required to declare their assets, while the head of state is exempt. Namibian law outlaws conflicts of interest and potential abuses of power by public officials. According to the Public Service Act of 1995, civil servants are not allowed to hold positions in the private sector while employed by the state. This Act deals with disciplinary measures and investigation procedures in corruption and related offences among public officials; these measures were implemented through the enactment of Tender Board Act no. 16 of 1996 and the Public Service Commission Act no. 2 of 1990 which established the Public Service Commission. The Ombudsman Act 1990 mandates the establishment of the **Office of the Ombudsman which** investigates citizens' complaints of public sector corruption. The Ombudsman launched the National Integrity Promotion Program to combat corruption, promote and protect human rights, protect the environment and Namibia's natural resources.

**163.** As part of efforts to manage corruption in the public service, the Office of the Prime Minister has established the Namibia Institute for Public Administration and Management (NIPAM) responsible for training public officials on matters of ethics. NIPAM is also responsible for training, research and capacity building in the Public Service. In addition, the Public Service Commission deals with matters of misconduct in the Public Service and recommends the suspension and dismissal from Public Service.

#### **Article 9: Access to Information**

**164.** Although Namibia has yet to enact a fully-fledged legislation to ensure access to information, there are plans underway to enact legislation on the Protection of Whistleblowers. In addition, Section 52 of Anti-corruption Act no. 8 of 2003 provides for protection of informers and information. The Act further stipulates that the identity of the informant cannot be disclosed even during court hearings unless by order of a court of law; whistleblowers can report anonymously to the ACC, the Namibian Police or any other relevant authority. The new whistleblower legislation that is being drafted will permit citizens to report corruption to the ACC, the police, or other entities and still enjoy protection and anonymity.

### **Article 10: Funding of Political Parties**

**165.** The Prevention of Organized Crime Act no. 29 of 2004 and the Electoral Act no. 24 of 1992 are the key measures dealing with funding of political parties. Under these laws, political parties represented in Parliament are funded from the public purse on a proportional basis, with the allocation of funds depended on the number of parliamentarians representing the political party in Parliament. Some civil society organizations have, however, advocated for the enactment of legislation obliging political parties which receive public funding to account for their expenditures. Currently there is no law providing for accountability or auditing of political parties that are publicly funded. Section 46 of the Electoral Act obligates political parties receiving foreign funding to declare or disclose the funding to the public.

### **Article 11: The Private Sector**

**166.** Although Namibia has no consolidated legislation to regulate the private sector, the Anti-Corruption Act makes it an obligation for any person, including the private sector to report corrupt practices in the tendering process to the ACC. The government has also engaged with representatives of organised business through the Chamber of Commerce and Industry and Employers' Federation and other recognized business organizations. Furthermore, individual companies and the Chamber of Commerce and Industry have codes of conduct providing for accountability and transparent auditing standards binding to members. Such measures include enhancing accountability and auditing standards in the private sector, as well as penalties for failure to comply with such standards.

### **Article 12: Civil Society and the Media**

**167.** Section 3 of Anti-Corruption Act no. 8 mandates the ACC to educate the public and disseminate information on the dangers of corruption. The major institution to accomplish this objective is the Directorate of Public Education whose primary responsibility is to educate the public on the dangers of corruption and promote public confidence to report corruption. As part of this mandate, the Directorate of Public Education has established strategic partnerships with core civil society organizations to raise awareness against corruption.

**168.** Civil society organizations such as the Namibia Institute for Democracy (NID), the ACC-Church Leaders Alliance, and Women Action for Development (WAD) have been instrumental in many anti-corruption activities. Together with the NID, the ACC operates a reporting centre where citizens can report alleged cases of corruption. The NID is also behind a three-year anti-corruption programme, the Zero-Tolerance for Corruption Campaign, financed by the Swedish aid agency SIDA and other international donors. The campaign aims at raising public awareness of corruption by building public-private partnerships, highlighting cases of corruption and providing information on anti-corruption legislation and institutions. On many occasions, the ACC initiates investigations on corruption cases based on information provided by the media; it also shares information with the media after the completion of investigations. As one of the freest media in Southern Africa, the media in Namibia plays an active role in anti-corruption efforts and acts as a powerful check on the government.

## **Niger**

169. The Republic of Niger signed the AUCPCC on 06/07/2004, and ratified on 15/02/2006. The instrument was deposited on 15/05/2006.

### **Article 5: Legislative and other Measures**

170. Corruption in Niger is managed by the Criminal Code by Ordinance no. 92-024 of June 1992 on the suppression of illicit enrichment, the law 2004-041 of June 2004 on combating money laundering, and Decree no. 2011-219 PRN / MJ of July 2011 that created the High Authority for the Fight against Corruption and Related Offences (HALCIA). Niger is in the process of enacting a bill on the organic framework of the fight against corruption.

### **Article 7: The Fight against Corruption and other Related Offences in the Public Service**

171. According to Article 3, the High Authority is responsible for: monitoring and evaluation of the government's program to fight against corruption; collecting and handling accusations and offenses referred to it for practices and acts of corruption and related offenses; conducting all studies and investigations and providing legal and administrative measures to prevent or curb corruption ;disseminating and popularizing work relating to the fight against corruption; identifying the causes of corruption; and proposing measures to eradicate in all public and semi-public services.

### **Article 9: Access to Information**

172. No information available.

### **Article 10: Funding of Political Parties**

173. No information available.

### **Article 11: Private Sector**

174. No information available.

### **Article 12: Civil Society and the Media**

175. No information available.

## **Nigeria**

176. The Republic of Nigeria signed the AUCPCC on December 16, 2003 and ratified on September 26, 2006. The instrument was deposited on December 29, 2006.

### **Article 5: Legislative and other Measures**

177. The government has aimed at containing corruption through the enactment of laws and the enforcement of integrity systems. Although there have been many initiatives to fight corruption, it was only with the signing of the Corrupt Practices and Other Related Offences Act 2000 (COPRA) that Nigeria first imposed a legal framework and severe sanctions to fight

corruption. In the wake of this act, Nigeria created three main agencies with different mandates regarding corruption: the Independent Corrupt Practices and Other Related Offences Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), the Code of Conduct Bureau, and the Nigerian Financial Intelligence Unit (NFIU). The ICPC was established with a mandate to investigate reports of corruption, review government systems prone to corruption, and educate the public about corruption; it has the power to initiate investigation. The EFCC is mandated to prevent, investigate, prosecute, and penalise financial and economic crimes. Both the statutes setting up the ICPC and the EFCC conferred on them extensive powers of investigation and prosecution that impact on enforcement measures of sanctions of imprisonment, seizure, confiscation and forfeiture of assets in appropriate cases.

**178.** The Money Laundering (Prohibition) Act 2004 criminalises individuals making or accepting cash payments in excess of NGN 500,000 and corporate bodies making or accepting cash payments in excess of NGN 2 million without going through a financial institution while the Money Laundering and Prohibition Act, 2011 seeks to combat the scourge of money laundering on the global economy and bring offenders to book. The Fiscal Responsibility Act 2007 is aimed at improving budgeting and, in turn, reducing opportunities for corruption.

#### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

**179.** Nigeria has a strong legal framework for addressing corruption in the public sector. The Nigerian Constitution specifies requirements for asset disclosure and regulations governing the offering and receiving of gifts for members of the executive, parliament and legislature. These issues are detailed in various codes of conduct for public officials, including the Code of Conduct for Ministers and Special Advisers and backed by the Code of Conduct Bureau (CCB) and Tribunal Act 1999. The CCB sets higher standards of morality in the conduct of public affairs and monitors public officials through the collection and verification of annual asset declarations. All public servants are required to file an asset disclosure form; although these declarations are not made public, the CCB can take officials to court. In addition, the CPORA specifically prohibits acts of bribery, official solicitation, gratification and abuse of office by public officials in the conduct of their offices and empowers the ICPC to examine and review practices, systems and procedures of public bodies which aid or facilitate fraud or corruption. The Corrupt Practices and Other Related Offences Act 2000 applies to all public officials and criminalises active and passive bribery, as well as attempted corruption, abuse of office, fraud, extortion, and money laundering.

**180.** To improve budget transparency, parliament passed the Fiscal Responsibility Act 2007 aimed at reducing opportunities for corruption. An equally critical institution is the Public Complaints Commission (PCC), the equivalent of an Ombudsman. The PCC has offices in all Nigerian states and is empowered to investigate citizens' complaints against any governmental or private body. The Bureau for Public Procurement (BPP) implements the Public Procurement Act, 2007 (PPA) to regulate and streamline the process of procurement of goods and services for government institutions; this limits corruption, improves efficiency and optimal utilization of national resources.

### **Article 9: Access to Information**

**181.** In May 2011, parliament passed the Nigeria Freedom of Information (FOI) Act to protect public officers who disclose information to the public. The FOI Act bans any legal action (criminal or civil proceedings) against any public officer who shows information to the public despite the consequences it might have on the organisation. Also, it bans any public officer from facing any legal action for giving out information without permission as long as the officer believes that the information shows acts of corruption were or are about to be committed. The new law is believed to serve as an important tool to uncover facts, fight corruption, and hold officials and institutions accountable. Under the new legislation, all institutions spending public funds have to be open about their operations and expenditure while citizens have the right to access information about their activities. Whistle-blowers who report malfeasance by their employers or organizations are protected from reprisals.

### **Article 10: Funding of Political Parties**

**182.** Nigeria has a ban on donations from foreign interests to political parties. The violation of the ban can result in a penalty of not less than N 500,000 (USD\$ 6,900). There is a ban on anonymous donations to political parties and a limit on the amount a donor can contribute to a candidate

### **Article 11: Private Sector**

**183.** The Nigerian private sector has been involved in anti-corruption through the Convention on Business Integrity (CBI) which was formed in 1998. It consists of Nigerian and foreign companies operating in Nigeria who have signed the Code of Business Integrity. Members have to go through an accreditation process and adhere to values of corporate integrity and transparency.

**184.** In 2007, Nigeria adopted the Nigeria Extractive Industries Transparency Act (NEITI), a global level multi-stakeholder coalition of companies, civil society, donor agencies, investors and developing countries who are resource rich. One of the main requirements is the publication of payments made to governments by companies in mining, oil and gas. As an autonomous self-accounting body, the NEITI ensures due process and transparency in the payments made by all extractive industry companies to the Federal Government and statutory recipients. NEITI gained compliant status in March 2011.

### **Article 12: Civil Society and the Media**

**185.** Nigeria has witnessed a positive trend in the development of civil advocacy groups around corruption. For instance, Zero Corruption Coalition (ZCC), a network of over 100 organizations, has been at the forefront of campaigns against corruption. The ZCC is a partner in the "Accountability Nigeria," a coalition of public and private organisations working for transparency and accountability. The ZCC does advocacy work with legislators and government anti-corruption agencies on the need to domesticate and implement both the UNCAC and the AUCPCC.

**186.** Likewise, Integrity, a non-profit, anti-corruption NGO founded in 1995, works to empower and inform civil society to tackle corruption and to coordinate efforts between public and private institutions in the fight against corruption. Integrity has published several reports on good governance and has conducted programmes and projects aimed at promoting transparency. Similarly, the Socio-Economic Rights and Accountability Project (SERAP), an NGO, employs law and social advocacy to promote transparency and accountability in the public and private sectors. It canvasses fidelity to the UNCAC and AUCPCC to prevent corruption, advance good governance and to improve human rights.

**187.** The Nigerian press is independent and often criticises the government and exposes corruption cases. Since the establishment of the two anti-corruption agencies the ICPC and the EFCC--the media has assisted in the fight against corruption in reporting and exposing the scourge as well as propagating the role of these agencies. Coverage of anti-graft activities has exposed corruption in high places and, in some instances, led to the resignation of senior officials such as the Speaker of the House of Representatives and the President of the Senate. Aggressive reporting on corruption has also played a critical role in reinforcing the effectiveness of public anticorruption bodies.

### **Rwanda**

**188.** The Republic of Rwanda signed the AUCPCC on December 19, 2003 and ratified on June 25, 2004. The instrument was deposited on July 1, 2004.

### **Article 5: Legislative and other Measures**

**189.** The Rwanda government has a zero tolerance policy against corruption and has created a number of bodies to deal with corruption: the Office of the Ombudsman and the Office of Auditor General. Rwanda has also strong political will to fight corruption at the level of the President, which is translated in actions by the government.

**190.** The Office of the Ombudsman, which was established in 2003, is empowered to initiate anti-corruption investigations and has law enforcement powers. The Rwandan Office of the Ombudsman also monitors the Leadership Code of Conduct – a new law that was passed in 2008.

### **Article 7: Fight against Corruption and Related Offenses in the Public Service**

**191.** The fight against corruption is an official priority underpinned by article 182 of the Constitution that prescribes the declaration of assets by state officials to the Ombudsman. It has a national code of conduct for public officials that attempts to enhance integrity and probity. The function of the Auditor- General generally focuses on the auditing of public sector accounts. Article 184 of the Constitution mandates the Auditor-General to submit reports on the implementation of the state budget from the following year. In addition, article 32 of the constitution makes mandatory respect for public property and prohibits any acts of corruption with respect to public property. In having access by virtue of their office to all the documents of the government and their departments, the Auditor General plays a vital role in identifying administrative weaknesses and irregularities. Rwanda has stringent laws that have led to the

prosecution of public officials implicated in corruption. The public availability of Auditor General's Reports also "generates political pressure to act in response to the problems identified".

#### **Article 9: Access to Information**

**192.** Rwanda passed an access to information law in 2011, hailed as a strong indication of determination to improve the fight against corruption. The new law has clear provisions on proactive disclosure and allows people to make applications to see information, including organizations, companies and public bodies. The law meets standards of best practice in terms of the scope of application - it applies not only to public bodies but also to some private bodies, which carry out work in the public interest.

#### **Article 10: Funding of Political Parties**

**193.** Rwandese law bans donations from foreign interests to political parties as well as anonymous donations to political parties. There is a ban on state resources being given or received by a political party or a candidate, except regulated public funding. There is ban on any other form of donation. The law makes provision for direct public funding to political parties.

#### **Article 11: Private Sector**

**194.** Through the Rwanda Private Sector Federation (RPSF), the private sector is involved in anti-corruption campaigns alongside other civil society actors. Anti-corruption regulation in Rwanda has incorporated the adoption of a code by the private sector. Law No. 23/2003 provides that every institution must adopt a code of conduct for its employees and also inform the employees about the code of conduct and consequences that flow from corrupt behaviour (article 7).

#### **Article 12: Civil Society and the Media**

**195.** The government has launched campaigns to raise awareness and combat corruption that involve the media and civil society. The government supports the work of these actors without infringing on their independence. Citizens are encouraged to participate in all facets of the anti-corruption campaigns and initiatives.

#### **Sierra Leone**

**196.** The Republic of Sierra Leone signed the AUCPCC on December 9, 2003 and ratified on December 3, 2008. The instrument was deposited on December 11, 2008.

#### **Article 5: Legislative and other Measures**

**197.** The anti-corruption regime is based on the Anti-Corruption Act 2008 that created the Anti-Corruption Commission (ACC). The ACC launched a National Anti-Corruption Strategy (NACS), 2008-2013. In other measures, the Anti-Money Laundering Act 2005 was reviewed and replaced by the Anti-Money Laundering and Countering the Financing of Terrorism Bill 2009. Sierra Leone has an office of the Ombudsman that deals with corruption. A number of legal frameworks have been put in place including: Anti-corruption Act 2000; the Anti-Corruption

Commission; Office of the Ombudsman; Anti Money Laundering Act 2005; and Anti-Corruption Act 2008. The scope of offenses under the new Act has been widened.

**198.** Further, the regulatory framework has been strengthened by the creation of bodies such as National Public Procurement Authority, the Audit Service of Sierra Leone, the Public Accounts Committee, and the District Budget Oversight Committee.

#### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

**199.** The revised Anti-Corruption Act 2008 empowers the ACC to prosecute cases of corruption. In addition, the scope of corruption has been broadened to include influence peddling, possession of unexplained wealth, and bid-rigging in procurement; it makes it compulsory for civil servants to declare their wealth. Sierra Leone's ACC is among the few in Africa to have prosecutorial powers; since its formation the ACC has engaged in hard-hitting and high-profile prosecutions.

**200.** The ACC is also empowered to compel the production of documents (including records in electronic form), and summon witnesses and examine them under oath. The ACC can also require the person under investigation or those related to the person under investigation to provide statements of expenditures incurred in respect of himself, his spouse/s, parents or children, of all income earned during a specified period and the amount of tax paid on such income. Failure to provide such information or providing false statements attracts penalties which includes a fine and/or imprisonment.

**201.** As part of its overall governance programme, the ACC has secured convictions of high ranking government officials, build safeguards in ministries prone to corruption, and streamlined procurement procedures. The regulatory framework has been strengthened by the creation of bodies such as National Public Procurement Authority, the Audit Service of Sierra Leone, the Public Accounts Committee, and the District Budget Oversight Committee.

#### **Article 9: Access to Information**

**202.** Sierra Leone has yet to pass the Freedom of Information Bill that was tabled in parliament in 2008. In July 2013 the government promised to enact the bill by the end of the year. Currently, information about government operations is available to the public on state-run websites. The Ministry of Finance, for instance, posts budgets on its web site in a timely manner.

**203.** Sierra Leone's Anti-Corruption Act 2008 has protection provisions for informers and whistle blowers. The ACC provides that an informant whose information results in a conviction will be given ten percent of the proceeds of any property forfeited as a result of the conviction (Section 81(3)).

#### **Article 10: Funding of Political Parties**

**204.** The law bans donations from foreign interests to political parties. There is a ban on corporate donations to political parties, and on donations to political parties from corporations with government contracts and from trade unions. All donations to political parties from legal



entities are banned. Anonymous donations to political parties and to candidates are also banned. Political parties are required to report on the identity of those who have made donations. There is a ban on state resources being given or received by a political party or a candidate, except regulated public funding. Only citizens registered to vote can provide funds to political parties.

#### **Article 11: Private Sector**

**205.** Although Sierra Leone has a small private sector, private sector institutions are perceived to be more accountable and performance-oriented than their public sector counterparts. The Sierra Leone Indigenous Business Association (SILBA) and the Anti-Corruption Commission have a Memorandum of Understanding (MOU) for promoting a public-private partnership for consultation, collaboration, advocacy, and setting of standards on policies that promote investment in a business-friendly and corrupt-free environment. The MOU has been hailed as a step in the right direction in the fight against corruption.

#### **Article 12: Civil Society and the Media**

**206.** Sierra Leone has a vibrant civic culture, with numerous NGOs that pursue popular causes and monitor government performance. Most NGOs are members of the official Sierra Leone Association of NGOs (SLANGO). These NGOs commonly highlight deficiencies in the implementation of official policies, corruption, and poor public service provision. They also influence the crafting of legislation through advocacy efforts. The Sierra Leone Anti-Corruption Commission (ACC) has a memorandum of understanding with the media that promotes collaboration on showcasing the national activities around anti-corruption. Since 2008, the ACC holds regular workshops with the media to develop a framework for mutual collaboration in the fight against corruption, help internalize the National Anti-Corruption Strategy, and enable the media to effectively report on the implementation of the Strategy.

**207.** Sierra Leone Civil Society is also part of a coalition of civic actors from sixteen countries called Africa Freedom of Information Centre (AFIC) which have and adopted the Lagos Declaration on the Rights of Access to information.

#### **South Africa**

**208.** The Republic of South Africa signed the AUCPCC on March 16, 2004 and ratified on November 11, 2005. The instrument was deposited on December 7, 2005.

#### **Article 5: Legislative and other Measures**

**209.** The country has a well-developed legislative framework aimed at fighting corruption. The Prevention and Combating of Corruption Act 2004 criminalises corruption in the public and private sector and codifies specific offences, making it easier for courts to use the legislation.

**210.** The act specifically criminalises attempted corruption, extortion, active and passive bribery. The Public Finance Management Act of 1999 holds government officials accountable for unauthorised expenditures. The national government has also promoted several pieces of

legislation that have underpinned the war on corruption: Parliamentary Code of Ethics; the Executive Member's Ethics Act and Code of Ethics; the Public Finance Management Act; the Protected Disclosure's Act; Promotion of Access to Information Act; the Promotion of Administrative Justice Act, 2000; the Financial Intelligence Centre Act, 2001; and the Prevention and Combating of Corrupt Activities Act, 2004.

**211.** The government has also entered into a collaborative strategic organisation through the National Anti-Corruption Forum (NACF). The NACF was established in 2001 and consists of representatives of the government, the private sector, and civil society with the objective of advising the government on its approach towards combating corruption. Following the NACF's second National Anti-Corruption Summit in March 2005, a National Anti-Corruption Programme (NAP) was developed, aiming at coordinating key problem areas and projects with specific outputs, timeframes and budgets. Since the development of the NAP, the pace of the NACF's activities has accelerated significantly. The NACF's fourth National Anti-Corruption Summit National Anti-Corruption Summit was held on 8-9 December 2011. In addition to the National Anti-Corruption Forum, South Africa has 11 other organizations which have anti-corruption as part of their mandates.

#### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

**212.** In response to the problem of public sector corruption, South Africa has initiated a variety of measures culminating in the adoption of a comprehensive Public Service Anti-Corruption Strategy and the establishment of partnerships between government, civil society, and private sector; these partnerships resulted in two National Anti-Corruption Summits (1999 and 2005) and the launch of a tripartite National Anti-Corruption Forum in 2001.

**213.** The establishment of an Independent Constitution Office of the Director of Public Prosecutions and special investigative units and the Assets and Forfeiture Unit are important additions to the institutions for combating corruption. The oversight roles of the Auditor General, Parliament's Standing Committee on Public Accounts (SCOPA), and the independent office of the Public Protector guarantee that the public sector, including politicians, is held accountable.

**214.** Other measures to curb corruption in the public sector include: Inter-Ministerial Committee on Corruption (consisting of Ministers from Public Service and Administration, Justice, and Safety and Security, and Constitutional Development), which has the mandate to consider proposals for the implementation of an anti-corruption campaign at national and provincial levels; Parliamentary Code of Ethics, 1997, protects MPs from conflict of interests through financial disclosure; the Executive Members Ethics Act, 2008 and Code of Ethics, 2000; the Public Finance Management Act, 1999; the Protected Disclosure Act, 2000; the Financial Intelligence Centre Act, 2001; and the Prevention and Combating of Corrupt Activities, 2004.

#### **Article 9: Access to Information**

**215.** The South African Constitution guarantees the right of access to any information held by the State (section 32). South Africa has the Promotion of Access to Information Act, 2 of 2000 that seeks to advance the values of transparency and accountability. The Act came into effect in March 2001 and was perceived as an important legislation to curb corruption.

**216.** However, the passing of the Protection of State Information Bill by the South African National Assembly in April 2013 marked a significant erosion of access to information. Dubbed the Secrecy Bill, the Bill seeks to limit media freedom and its ability to report on corruption and mandates punishment for the disclosure or the holding of classified documents.

**217.** E-governance is well developed in South Africa and a large number of government offices have their own websites with information about their work. The South African Services website provides a one-stop shop for information about services offered by the South African government.

#### **Article 10: Funding of Political Parties**

**218.** The Public Funding of Represented Political Parties Act of 1998 provides for the funding of political parties represented in parliament on proportional basis. This gives political parties in parliament some financial support during elections. While public funding is less contentious, the private funding of parties has been a divisive debate because parties are allowed to raise money privately to meet electoral campaign needs. There is, as yet, no legislation regulating the private financing of political parties.

#### **Article 11: Private Sector**

**219.** Anti-corruption efforts by the private sector in South Africa are led by the Business Against Crime South Africa (BACSA), a non-profit organisation established with the aim of supporting the government in the fight against crime, including fraud and corruption. It operates a Commercial Crime Programme, which supports the National Prosecution Authority (NPA), one of the major investigation bodies. The BACSA regularly issues news releases and publishes annual reports on its activities.

**220.** In addition, Business Unity South Africa (BUSA), an organization that has 49 members has put together an information guide to help companies, especially Small and Medium Enterprises (SMEs), which are particularly vulnerable to corruption, to understand the anti-corruption laws in South Africa and how to build an ethical business.

**221.** In response to the resolutions taken at the third National Anti-Corruption Summit in 2011, BUSA proposed a South African Charter of Ethical Business Practice (SACEBP). The SACEBP has “Business Code of Ethics,” that is applicable to the South African business community. It sets out ethical business conduct and a standard which can be cited when organised companies need to publicly indicate their moral stance on unethical practices related to South African business. Furthermore, it has put together anti-corruption information guides for both domestic and foreign entrepreneurs.

#### **Article 12: Civil Society and the Media**

**222.** As a result of past mobilisation and politicisation of large groups against apartheid, civil society in South Africa is very strong, organized, and plays an important role in ensuring government accountability. The leading organization in the anti-corruption efforts is Corruption

Watch, an NGO established in 2012 with a mission to gather, analyse, and share information about corruption in South Africa.

**223.** The organisation provides a reporting mechanism for the public to share their experiences with corruption and speak out against it. Through this mechanism, the NGO seeks to facilitate the flow of information and enable the South African public to hold their leaders, in both the public and private sector, accountable. In the first month of its existence, Corruption Watch received more than 500 complaints from the public, with most of the complaints meted against municipalities, traffic police, and the health sector. The other priority of Corruption Watch is to protect the identity of whistle-blowers.

**224.** Other CSOs initiatives include the Institute for Democracy in South Africa, the South African History Archive and Open Democracy Advice Centre - actions in the High Court with a view to have public bodies release records on corruption cases.

**225.** South Africa's media has been proactive in reporting on corruption both in government and the private sector. Through organizations such as the South African National Editor's Forum (SANEF), the media has gone beyond investigative reporting to include educational roles in boosting understanding of corruption, awareness of corruption reporting mechanisms and the rights of citizens. The media is an active participant in the National Anti-Corruption Forum (NACF) which provides cross-sectoral responses to corruption and promotes integrity in South Africa.

**226.** National Anti-Corruption Hotline, run by the Public Service Commission, enables South Africans to report anonymously on corrupt activities by public officials by calling a toll-free number. Since its establishment in September 2004, the South African government has recovered R330-million following tip-offs received via the National Anti-Corruption Hotline. As a result of the information gathered, 491 public service officials have been suspended; 1 600 dismissed; 256 fined three months' salary; 31 demoted; 541 given final written warnings and 210 prosecuted.

### **The United Republic of Tanzania**

**227.** The United Republic of Tanzania signed the AUCPCC on November 5, 2003, ratified on February 22, 2005, and deposited the instrument on April 12, 2005.

### **Article 5: Legislative and Other Measures**

**228.** The Prevention and Combating of Corruption Act No. 11 of 2007 is the major legislation governing anti-corruption initiatives in Tanzania that was enacted to complement the UNCAC and the AUCPCC. This legislation created the Prevention and Combating of Corruption Bureau (PCCB) and empowered it to oversee anti-corruption activities. Several supportive legislation that enhance the anti-corruption crusade include: the Public Procurement Act 2007, the Public Finance Act 2001, the Public Leadership Code of Ethics 2010, and the Anti-Money Laundering Act 2006. Amidst criticisms about the independence of the PCCB, the government passed a bill to create an independent, anti-corruption agency in January 2012. The bill allows authorities

to receive and investigate any complaint concerning corrupt practices in any public or private body.

**229.** Equally important in the institutional framework are the Good Governance Coordination Unit (GGCU), the Ethics Inspectorate Department, the Office of the Controller and Auditor-General, and the Office of the Minister in the Presidency in charge of coordination of anti-corruption measures. There have been two crucial frameworks guiding the anti-corruption efforts: the National Anti-Corruption Strategy and Action Plan (NACSAP I, 2000-2005). It was mandated to carry out relevant institutional reforms to eradicate corruption, implement a public awareness campaign against corruption, and bring together stakeholders working on rooting-out corruption in Tanzania. The NACSAP led to the establishment of a number of anti-corruption bodies, including the Prevention and Combating of Corruption Bureau, the Ethics Inspectorate Department and a strengthened Controller and Auditor General. In December 2006, the NACSAP-II was launched with the aim of including local government authorities, civil society and the private sector under the national anti-corruption strategy. The Triangulation Partnership Programme (NATPP) was established in 2005 to coordinate joint supportive efforts of civil society, government and the private sector towards the NACSAP.

#### **Article 7: The Fight against Corruption and Related Offences in the Public Service**

**230.** The Public Leaders Code of Ethics Act of 1995 (Revised Edition 2002) and the Economic and Organized Crime Act of 1984 (Revised Edition 2002) have been enacted to curb abuse of power by public officials. The Ethics Code and the Public Leadership of Ethics Code 1995 are the main provisions that anchor anti-corruption initiatives in the public service. These legislations require that all public officials including Ministers, Permanent Secretaries, Director General, Attorney General, Chief Justice, and Judges to declare their assets including, but not limited to, cash deposits in a bank or any financial institutions, real estate, and dividends to the Ethics Secretariat. The **Ethics Commission** (EC) is mandated with implementing the **Public Leadership Code of Ethics**, which includes monitoring asset disclosures and ensure that elected politicians and public servants do not engage in illegal or unethical behaviour. Under the law, members of government are required to file annual asset statements. In 2011 the government enacted the Public Services Act 2011, which, among other things, introduced a requirement for every institution to make enforceable codes of conduct for its employees.

**231.** The enactment of the Public Service Management and Employment Policy and the Public Service Act No. 8 of 2002 (amended in 2007) are aimed at restoring the merit principle to public service with an emphasis on open competition, diversity, and avoidance of corruption and discrimination.

#### **Article 9: Access to Information**

**232.** Tanzania has no overarching legislation that makes it mandatory for public and private bodies to inform the public of matters important to them, but there are several laws that allow officials to disclose specific types of information such as the Companies Act 2002. Since the mid-2000, the government embarked on measures to draft freedom of information legislation. Civil servants and private sector employees who report cases of corruption are protected from

retaliation and other negative consequences by law (Section 54 of the 2007 Prevention and Combating of Corruption Act). The Prevention and Combating of Corruption Bureau (PCCB) has the mandate to provide and maintain the hotline service to which corruption can be reported. The PCCB also provides an online complaint form, which allows citizens to report corruption anonymously.

**233.** In 2006, Tanzania's Media Council rejected the Freedom of Information Act 2006 because it contained repressive provisions. The media proposed two alternative draft bills—the Right to Information Bill 2007 and the Media Services Bill 2008—which are still being considered by the government and parliament.

#### **Article 10: Funding of Political Parties**

**234.** Tanzania has adopted the Election Expenses Act, no.6 of 2010 to deal with questions of funding political parties. The Political Parties Act and Its Regulations provide details of public funding for the day-to-day functioning of political parties, but not for campaign financing. Political parties receiving state funding are compelled to maintain proper accounts of funds and submit financial statements (of national and foreign funds) to the Registrar and to be audited by the Controller and Auditor-General.

#### **Article 11: The Private Sector**

**235.** The Prevention and Combating of Corruption Act No. 11 spells out the role of private sector in anti-corruption processes. The Fair Competition Act of 2003 and the Public Procurement Act of 2004 were established to encourage participation by the private sector in the fight against unfair competition, respect of the tender procedures, and property rights.

#### **Article 12: Civil Society and Media**

**236.** The government's anti-corruption activities are complemented by those of civil society and the media. NACSAP II had the specific objective of mainstreaming and empowering civil society and other non-state actors in the implementation of anti-corruption initiatives. There are also civil society bodies in Tanzania that have the fight against corruption as part of their focus and programs such as: Policy forum, Research on Poverty Alleviation, Agenda Participation 2000, and Leadership Forum. The Anti-Corruption Tracker System (CTS) is hosted by the Tanzanian NGO Agenda Participation 2000, which works to promote a culture of good governance and democracy in Tanzania. The CTS also keeps track record of publicly available information on presumed or confirmed cases of corruption to increase accountability and responsiveness in the fight against corruption.

**237.** The media plays an important role in holding the government accountable and in drawing public attention to instances of grand corruption. As noted above, the Tanzania's Media Council has been critical in drafting legislation that seeks to boost the freedom of information. It has also been involved in anti-corruption efforts at the grassroots through its Press Clubs. The Press Clubs have been established at every district to allow people to demand accountability and transparency through newspapers and radio broadcasts. During the Central Bank and public procurement cases, which led to the firing of the Central Bank's governor and resignation of the

Prime Minister, the media has been credited for their persistent coverage, which is said to have pressured the government to establish the parliamentary committee that is investigating the cases.

### **Uganda**

**238.** The Republic of Uganda signed the AUCPCC on December 18, 2003, ratified on August 30, 2004 and deposited the instrument on October 29, 2004.

### **Article 5: Legislative and other Measures**

**239.** Uganda has made great strides in formulating the legal framework to fight corruption; among the best in Africa, the framework established many institutions and legislations aimed to eradicate corruption including the Anti-Corruption Act no. 6 of 2009; Inspectorate of Government Act of 2002; Leadership Code Act of 2002; the Office of the Auditor General; the Directorate of Ethics and Integrity; Public Procurement and Disposal of Public Assets Act of 2003; Local Government Financial and Accounting Regulations 1998; and Public Finance and Accounting Act of 2003. The Anti-Corruption Act of 2009 is intended to set strict punishments for both public and private sector corruption, including imprisonment for up to ten years.

**240.** The Inspectorate of Government (IGG) is the primary anti-corruption agency; together with other agencies, it has made progress in combating corruption and abuses of office. The IGG's role is: promote and foster strict adherence to the rule of law and principles of natural justice in administration; foster the elimination of corruption and abuse of authority and public office; enforce the Leadership Code of Conduct; and investigate the conduct of any public office who may be directly or indirectly involved in corruption or abuse of office. The government has had two national strategies to fight corruption: the National Anti-Corruption Strategy 2004-2007 and the National Strategy to Fight Corruption and Rebuild Ethics and Integrity in Uganda 2008-2013. Established in 1986, the Directorate of Ethics and Integrity (DEI) has been at the forefront of implementing these strategies through the Inter Agency Forum (IAF). The IAF has been used by anti-corruption agencies to work together in designing and implementing national anti-corruption strategies and to promote awareness and the advancement of reforms.

### **Article 7: The Fight against Corruption and Related Offenses in the Public Service**

**241.** Corruption in the public service is managed by several institutions which perform audit and monitoring functions, including: the Auditor-General, the Inspectorate of Government, and the parliamentary Public Accounts Committee. There is also an established code of conduct in which public officials are required to regularly declare their assets. The Penal Code 1950 provides instruments to deal with various corruption offences including embezzlement, causing financial loss, abuse of office and fraud. The Leadership Code is designed to increase transparency and to curb corruption; it sets out minimum standards of behaviour and conduct for political leaders and requires them to declare their incomes, assets and liabilities. It also criminalises attempted corruption, active and passive bribery, extortion, bribing a foreign public official, and abuse of office.

**242.** The IGG is an independent agency under the 1995 Constitution. While it also functions as ombudsman, its mandate is wider than that of a traditional ombudsman; it has the power not only to investigate arrest and prosecute cases involving corruption or the abuse of authority or public office, but also to gain access to documents whenever necessary. The IGG Act (section 14 (5), grants the Inspectorate of Government special powers to investigate, cause investigation, arrest, cause arrest, prosecute or cause prosecution in respect of cases involving corruption, abuse of authority or of public office. The Inspector General of Government also has powers under the IGG Act, the Leadership Code Act and the Anticorruption Act 2009 to inspect bank accounts, freeze bank accounts, search, order for production of documents, take evidence on oath, put restrictions on any property, among others.

**243.** The anti-corruption division of the high court started operation in 2008 to prosecute corruption in the public service. In addition, a public procurement policy exists with an entire government department, the Public Procurement and Disposal of Public Assets Authority (PPDA), which oversees its implementation.

#### **Article 9: Access to Information**

**244.** Article 41 of the Ugandan Constitution gives every citizen a right to access information from the State or State organ or agency. Uganda has the Whistle Blower Act of 2006 and the Witness Protection Bill that protects persons who report acts of corruption; the government also passed the Access to Information Act 2005 which strengthened press freedom and reinforced existing anti-corruption legislation. In March 2010, the Ugandan parliament passed a bill that protects individuals who disclose information on corruption or law-breaking in government or private bodies. The Whistle-blowers Bill encourages transparency, accountability, and offers procedures for Ugandan citizens to report on corruption or improper conduct, internally or to external government bodies. The Whistleblowers Protection Act was enacted into law in March 2010. Until then, there was a lack of a solid legislative framework for whistleblower protection as the Leadership Code Act and Access to Information Act provide only indirect legal protection for whistleblowers. The Act provides both for high prison terms for people disclosing whistleblowers' identity and for whistleblowers who come forth with maliciously wrong allegations. The Act also includes monetary incentives for blowing the whistle on corruption: whistleblowers receive 5 per cent of the total amount recovered following their denouncement.

**245.** Further, the Whistleblower Protection Act provides for disclosure of impropriety, procedures by which individuals in both the private and public sector may in the public interest disclose information that relates to irregular, illegal or corruption practices; and provides for protection against victimisation of persons who make disclosures.

#### **Article 10: Funding of Political Parties**

**246.** Uganda has a Political Parties and Organizations Act (PPOA) which regulates the conduct of political parties. Although PPOA was amended in 2010 to introduce a section to provide for the use of government funds or other public resources (undefined) to finance political parties, no funding has been given to parties so far under this law. Uganda restricts donations



from foreign interests to candidates, but there is no legislation to control the private funding of parties.

#### **Article 11: Private Sector**

**247.** The private sector through the Uganda Manufacturers Association (UMA) has been involved in anti-corruption efforts through developing of integrity systems in Uganda. The UMA has been assisted by the Institute of Corporate Governance of Uganda (ICGU) which has developed guidelines with minimum standards for corporate governance based on OECD standards. Composed of more than 20 corporate entities, the ICGU conducts workshops and gives lectures on corporate social responsibility and corporate fraud. The ICGU was initially promoted by the government as part of a reform and divestiture programme aimed at improving accountability within the public enterprise sector, and has since evolved into a private sector institution.

#### **Article 12: Civil Society and Media**

**248.** Civil society has initiatives aimed at combating corruption in the public and private spheres. The most important initiatives are the Anti-Corruption Coalition of Uganda (ACCU), an umbrella group of more than 70 civil society organizations which organizes a number of activities, including Anti-corruption week every December to create awareness among policymakers and the public; in autumn 2008, the coalition started the Book of Name and Shame, in which public servants who are caught in corruption practices and convicted will be named. The other institution is the Centre for Corporate Governance which was established to foster ethical conduct and accountability in the public and private sectors. These institutions complement government efforts in the corruption arena.

#### **Zambia**

**249.** The Republic of Zambia signed the AUCPCC on August 3, 2003, ratified on March 30, 2007 and the instrument was deposited with the African Union Commission on April 26, 2007.

#### **Article 5: Legislative and other Measures**

**250.** In November 2010, Parliament passed the Anti-Corruption Commission Act 2010 to replace the previous ACC of 1996. As the main legislative instrument for anti-corruption, the Anti-Corruption Act of 2010 has instituted oversight institutions and mechanisms in the fight against corruption. The ACC is the lead institution in the fight against corruption. As an It is an independent institution, the ACC has focused on investigating and prosecuting complaints but is increasingly working with prevention and educational activities aimed at raising awareness about the damaging effects of corruption. The institution has several directorates which include corruption prevention, investigation as well as a legal department which is vested with prosecutorial powers in consultation with the Director of Public Prosecutions. The government also reintroduced the abuse of office clause with the passage of the new Anti-Corruption Commission Bill in March 2012.

**251.** The Prohibition and Prevention of Money Laundering Act 2001 criminalises money laundering, increases penalties for financial crimes and requires financial institutions to report suspicious transactions. In other measures, various governments have launched initiatives to curb corruption. For instance, in August 2009, former president Banda launched the National Anti-Corruption Policy (NACP), vowing to work hard on establishing a corruption free public service sector and business environment in Zambia. The main objective of the NACP was to create a corruption free nation, to preserve the public resources, and to ensure all private and public institutions set up a code of ethics. Similarly, President Michael Sata's government has a national anti-corruption policy and a national anti-corruption implementation plan. The plan addresses coordination of anti-corruption programmes in the private and public sectors, programme monitoring and evaluation, as well as resource mobilisation and legal reform.

#### **Article 7: The Fight against Corruption and Related Offenses in the Public Service**

**252.** Section 19(2) of the Anti-Corruption Act criminalizes the taking of bribes by public officials. It is a misdemeanour for public officials to abuse their authority. Currently, under the ministerial and parliamentary code of conduct only members of parliament, ministers and a few selected public officials such as judges declare their personal assets on assumption of public offices. However, there are discussions with regard to enacting legislation that will require all public officers to declare their assets periodically. Among shortcomings of the Zambian legal framework in the fight against corruption is that Zambian public officials are still not subject to financial disclosure laws, even though presidential candidates are required to disclose financial assets,

**253.** Integrity committees have been set up with a view to detect corruption tendencies in national operations within the public service institutions such as the Zambia Public Procurement Authority as well as the Ministry of Lands. With regard to tender processes, institutional, ministerial, provincial and public tender committees have been put in place as well as public open tender procedures aimed at achieving transparency in tender's processes.

**254.** The Office of the Auditor-General (OAG) is the supreme audit institution in Zambia. The OAG audits the accounts related to the general revenues of the country. A major drawback of the institution is that it cannot impose sanctions against public officials who have misused, misapplied or embezzled public funds. It can only refer cases to the relevant authorities for sanctions to be imposed. The DPP undertakes criminal proceedings and ensures that investigations initiated by the police and other investigative agencies are conducted in accordance with the law and the principles of human rights.

#### **Article 9: Access to Information**

**255.** Section 11 of the Anti-Corruption Act of Zambia, provides powers to the Director General to demand for information and evidence relating to corruption investigation which includes access to bank information. The Public Interests Disclosure (Whistle Blowers) Act, of 2010 provides for anonymous reporting as well as protection of persons who may be subject of reprisals. The Act has been invoked to protect whistleblowers. A bill with regard to Freedom of Information is under discussion in parliament. In addition, the Anti-Corruption Commission of

Zambia has an online whistleblowing mechanism where citizens can anonymously report alleged cases of corruption.

#### **Article 10: Funding of Political Parties**

**256.** There is currently no legislation with regard to funding of political parties. The debate with regard enacting a law in relation to funding of political parties has intensified following parliamentary petitions in courts due to alleged corrupt practices during the 2011 elections.

#### **Article 11: Private Sector**

**257.** The Ministry of Commerce under the Chambers for Commerce liaises and engages with the private sector on issues in private sector aimed at enhancing fair play and curbing corruption under the framework of the Competition Act. In 2012, Zambia achieved full compliant status with the Extractive Industries Transparency Initiative (EITI), which aims at ensuring transparency in payments by extractive industry companies to governments and government-linked entities

#### **Article 12: Civil Society and the Media**

**258.** The Anti-Corruption Commission has developed an implementation plan that provides a framework for fighting corruption through the existing legal, institutional, and social frameworks which provide for cooperation with civil society in the fight against corruption. These include working closely with organisations such as Transparency International Zambia Chapter, African Parliamentary Network against Corruption (APNAC), National Movement against Corruption as well as with Zambia Youths Association in the Fight against Corruption.

**259.** There is mutual and cordial relationship and co-operation between the media and all agencies involved in the fight against corruption. The media plays a crucial role in unearthing corrupt practices and informing the public through awareness campaigns about evils of corruption including reporting on matters before courts in a fair manner and have access to information to matters relating to corruption.

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2014

# Report of the activities of the African Union advisory board against corruption

African Union

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