

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.au.int

EXECUTIVE COUNCIL

Twenty-Eighth Ordinary Session

23 - 28 January 2016

Addis Ababa, ETHIOPIA

EX.CL/943(XXVIII)

Original: English

**REPORT OF THE AFRICAN UNION ADVISORY BOARD
ON THE FIGHT 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
AFRICANA SOBRE CORRUPÇÃO**

*P.O Box 6071, ARUSHA, TANZANIA -Tel: +255 27 205 0030- Fax: +255 27 205 0031
Email: info@auanticorruption.org *Website: www.auanticorruption.org*

**SEVENTH REPORT OF THE AFRICAN UNION ADVISORY BOARD ON
CORRUPTION TO THE EXECUTIVE COUNCIL OF THE AFRICAN
UNION (January 2016)**

Arusha, Tanzania

Table of Contents

I.	INTRODUCTION	1
II.	ORGANISATION AND OPERATION	2
III.	STATUS OF RATIFICATION OF THE AFRICAN UNION CONVENTION ON PREVENTING AND COMBATING CORRUPTION	3
IV.	ACTIVITIES	5
V.	PERSPECTIVES AND CHALLENGES.....	8
VI.	CONCLUSION	9
VII.	RECOMMENDATIONS	10

7th REPORT OF THE AFRICAN UNION ADVISORY BOARD ON CORRUPTION

I. INTRODUCTION

1. The African Union Advisory Board on Corruption (AUABC) was established in accordance with the provisions of article 22 (5) (a) of the African Union Convention on Preventing and Combating Corruption (AUCPCC). The Convention was adopted at the second ordinary session of the Assembly of the Union in Maputo, Mozambique, on 11th July 2003, and entered into force on 5th August 2006, thirty (30) days after the deposit of the fifteenth instrument of ratification. As at October 2015, the Convention had been signed by 48 states and ratified or acceded to by 37 states.

2. According to article 22 (5) of the Convention, the functions of the Board are, among others: “to promote and encourage the adoption and application of anti-corruption measures by States Parties to prevent, detect, punish and eradicate corruption and related offences in Africa” and “to submit a report to the Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of this Convention.”

3. The Board is composed of eleven (11) members, nominated by States Parties and elected by the Executive Council from a list of experts. The current Board, whose mandate runs from 2015 to 2017, comprises of the following:

- Mr. Daniel Batidam (Ghana) - Chairperson
- Ms. Florence Ziyambi (Zimbabwe) – Vice Chairperson
- Mr. John K. Tuta (Kenya) - Rapporteur
- Mr. Joseph Fitzgerald Kamara (Sierra Leone)
- Mr. Ekwabi W. Mujungu (Tanzania)
- Mr. Isa Ozi Salami (Nigeria)
- Ms. Angèle Barumpozako (Burundi)
- Ms. Akossiwa A. Ayena (Togo)
- Mr. Jacques III Achiaou (Cote d'Ivoire)
- Dr. Jean Baptiste Elias (Benin)
- Mr. Sefako A. Seema (Lesotho)

4. This is the seventh Report of the Advisory Board to the Executive Council. The report contains details of the activities of the Advisory Board covering the period July to December, 2015.

5. Following the presentation of the sixth Report of the Advisory Board on Corruption to the Executive Council (Doc.EX.CL/925(XXVII)) during the Summit of the African Union in South Africa, the Executive Council in its decision EX.CL/Dec.891(XXVII) called upon “Member States that have not ratified and signed the Convention on Preventing and Combating Corruption in Africa to do so”, and encouraged the Advisory Board to pursue its efforts to eradicate corruption in Africa and to “closely interact and collaborate with all concerned anti-corruption Organs and Mechanisms at the national and regional levels to reflect in the effects of corruption and

ill-gotten assets on the Continent...” The Executive Council also stressed “the need to equip the AUABC with requisite human and financial resources to enable it to carry out its mandate.”

II. ORGANISATION AND OPERATION

a. The Bureau

6. Comprising of the Chairperson, the Vice Chairperson and the Rapporteur, the Bureau ensures the planning and coordination of activities of the Board that are essential in the fulfilment of its functions in accordance with article 22 (5) of the Convention. The Members of the Bureau do not work from the headquarters of the Advisory Board, but they fulfil their functions from their countries of residence and only come to the headquarters during scheduled meetings. Without any insurance or allowances, the Members of the Bureau experience great difficulty in co-ordinating the activities of the Board: they cover their own expenses for telephone calls, airport transfers in their home countries, internet usage, among other things, in order to maintain communication and a working relationship with the Secretariat.

7. The Board is of the opinion that there are justifiable grounds to request Member States to review the working conditions of the Bureau of the Board. Indeed, as it is well known, there are other organs of the AU such as the AU Court, which pays their judges even when they are not in session, obviously because the judges are expected to be reflecting and researching on the matters relating to their mandate. Similarly, it is necessary for the Bureau of the AUABC to be given reasonable allowances to cater for the continuous assignments they carry out virtually on a daily basis on behalf of the Board, when the Board is not in session. If this proposal cannot be supported by the budget of the Union, the Board would suggest that Member States request States of origin of Bureau Members, to provide the means to enable the latter carry out their respective duties.

b. The Secretariat of the Board

8. Under the overall and direct supervision of the Executive Secretary and the Rapporteur respectively, the Secretariat provides technical, professional, administrative and logistical support to the Advisory Board. Its organisational structure, which is based on African Union (AU) policies, is designed to integrate professional, technical and administrative staff.

➤ The Staff of the Secretariat

9. Today the staff of the Secretariat has reduced from the approved minimum of seven (7) to five (5) staff members as follows:

- A Senior Policy Officer for Legal and Political Matters
- A Finance and Administration Officer
- A Documentalist
- A Bilingual Secretary

- A Driver/ Messenger

10. To date, the recruitment of an Executive Secretary, which is long overdue, has not been done. This is a great setback for the Board. The absence of a substantive Executive Secretary has adversely affected the output of the Board, bearing in mind that the Board holds just about two sessions per year, with each session lasting five days only.

11. During the last Summit, the Board requested that its staff composition be reinforced with the following additions:

- A Senior Policy Officer for Economic Matters, P3 (already included in the structure adopted by the Executive Council);
- An Accounts Assistant
- An Administrative Assistant
- An IT Specialist
- Head of Protocol

The Board regrets to note that to date, those positions have not yet been filled.

12. The fact that the African Union Commission is experiencing challenges in the recruitment of an Executive Secretary must cause Member States to reflect on an alternative and definitive solution to some of the critical challenges faced by the Advisory Board.

13. One option might be to request interested States Parties to second their nationals who have the necessary expertise to serve in the AUABC Secretariat, in line with the requirements of the Board. Subject to any agreement which may be concluded between the AU Commission and the nominating state, the nominating State would meet the costs of remuneration, accommodation and subsistence of their nationals while the AUABC gives them a top-up allowance or any other form of compensation as they may be entitled to. Once AUABC is fully-operational, then the national staff may be withdrawn or absorbed by AUABC under new terms. This option may be very useful as interested States parties would nominate nationals with the necessary expertise and skills required by the Board, which the AUC may not easily get through its competitive recruitment.

III. STATUS OF RATIFICATION OF THE AFRICAN UNION CONVENTION ON PREVENTING AND COMBATING CORRUPTION

14. Twelve (12) years after the adoption of the Convention and nine (9) years after its entry into force 5th August 2006, out of 54 Member States, there are forty-eight (48) signatures and thirty-seven (37) ratifications. Seventeen (17) States have not yet ratified the Convention. In contrast, 49 Member States of the AU have ratified the United Nations Convention on Corruption and only five (5) Member States of the AU have not yet done so.

15. Below is the list of signatures and ratifications:

No.	COUNTRY/PAYS	DATE OF/DE SIGNATURE	DATE OF/ DE RATIFICATION/ ACCESSION	DATE DEPOSITED/ DATE DE DEPOT
1	Algeria	29/12/2003	23/05/2006	06/07/2006
2	Angola	22/01/2007	-	-
3	Benin	11/02/2004	20/09/2007	07/11/2007
4	Botswana	-	14/05/2014	19/08/2014
5	Burkina Faso	26/02/2004	29/11/2005	15/02/2006
6	Burundi	03/12/2003	18/01/2005	10/03/2005
7	Cameroun	30/06/2008	-	-
8	Central AfricanRep.	-	-	-
9	Cape Verde	-	-	-
10	Chad	06/12/2004	03/03/2015	27/04/2015
11	Côte d'Ivoire	27/02/2004	14/02/2012	05/11/2012
12	Comoros	26/02/2004	02/04/2004	16/04/2004
13	Congo	27/02/2004	31/01/2006	24/04/2006
14	Djibouti	15/11/2005	-	-
15	DemocraticRep. Of Congo	05/12/2003	-	-
16	Egypt	-	-	-
17	Equatorial Guinea	30/01/2005	-	-
18	Eritrea	25/04/2012	-	-
19	Ethiopia	01/06/2004	18/09/2007	16/10/2007
20	Gabon	29/06/2004	02/03/2009	08/04/2009
21	Gambia	24/12/2003	30/04/2009	09/07/2009
22	Ghana	31/10/2003	13/06/2007	20/07/2007
23	Guinea-Bissau	21/01/2006	23/12/2011	04/01/2012
24	Guinea	16/12/2003	05/03/2012	12/04/2012
25	Kenya	17/12/2003	03/02/2007	07/03/2007
26	Libya	05/11/2003	23/05/2004	30/06/2004
27	Lesotho	27/02/2004	26/10/2004	05/11/2004
28	Liberia	16/12/2003	20/06/2007	20/07/2007
29	Madagascar	28/02/2004	06/10/2004	09/02/2005
30	Mali	09/12/2003	17/12/2004	14/01/2005
31	Malawi	-	26/11/2007	27/12/2007
32	Mozambique	15/12/2003	02/08/2006	24/10/2006
33	Mauritania	30/12/2005	-	-
34	Mauritius	06/07/2004	-	-
35	Namibia	09/12/2003	05/08/2004	26/08/2004
36	Nigeria	16/12/2003	26/09/2006	29/12/2006
37	Niger	06/07/2004	15/02/2006	10/05/2006
38	Rwanda	19/12/2003	25/06/2004	01/07/2004
39	South Africa	16/03/2004	11/11/2005	07/12/2005
40	SahrawiArabDemocraticRep.	25/07/2010	27/11/2013	27/01/2014
41	Senegal	26/12/2003	12/04/2007	15/05/2007
42	Seychelles	-	01/06/2008	17/06/2008
43	Sierra Leone	09/12/2003	03/12/2008	11/12/2008
44	Somalia	23/02/2006	-	-
45	Sao Tome & Principe	01/02/2010	-	-
46	South Sudan	24/01/2013	-	-

No.	COUNTRY/PAYS	DATE OF/DE SIGNATURE	DATE OF/ DE RATIFICATION/ ACCESSION	DATE DEPOSITED/ DATE DE DEPOT
47	Sudan	30/06/2008	-	-
48	Swaziland	07/12/2004	-	-
49	Tanzania	05/11/2003	22/02/2005	12/04/2005
50	Togo	30/12/2003	14/09/2009	22/10/2009
51	Tunisia	27/01/2013	-	-
52	Uganda	18/12/2003	30/08/2004	29/10/2004
53	Zambia	03/08/2003	30/03/2007	26/04/2007
54	Zimbabwe	18/11/2003	17/12/2006	28/02/2007

IV. ACTIVITIES

(a) Collaboration with African Anti-Corruption Organisations

16. During the African Union Summit held in South Africa in June 2015, Member States requested the Board to work closely with African anti-corruption organisations. This recommendation is in line with one of the objectives of the 2011-2015 Strategic Plan of the Board which aims to “Establish formal links with relevant anti-corruption organisations and networks”.

17. The Board has since participated in activities organised by some anti-corruption organisations such as the Network of National Anti-Corruption Institutions in West Africa (NACIWA) which is an anti-corruption organisation within the Economic Community of West African States (ECOWAS). NACIWA organised two activities in which the Board participated; one in Dakar, Senegal, in June, and another in Abuja, Nigeria, in September. Another event was organised by the East African Journalists Association (EAJA) in July in Nairobi, Kenya, and this event not only attended but also addressed by a member of the Advisory Board.

18. Since June 2015, the Advisory Board has taken several steps to mobilise African anti-corruption organisations and institutions towards a common objective. Notable among these organisations, is the Association of Anti-Corruption Authorities in Africa (AAACA). It is also to be noted that, in 2013, the Advisory Board contributed immensely to the setting up of the AAACA.

19. The objective of the Advisory Board, as stated in article 22(5)(g) of the Convention, is to establish partnerships “...to facilitate dialogue in the fight against corruption and related offences.”

20. In November 2015, the Board signed two (2) memoranda of understanding with the Association of Anti-Corruption Authorities in Africa (AAACA) and Transparency International (TI-Africa Department) respectively.

(b) Collaboration with African Union organs and other institutions

21. In the past few months, the Board was engaged in a number of activities organised by organs of the Union. These activities include:

- The 2nd Judicial Dialogue organised by the African Court on Human and People's Rights from 4 to 6 November 2015 in Arusha (Tanzania).
- The Board also took part in the various meetings organised by the Department of Political Affairs of the Commission in Midrand, South Africa, between 25th November and 2nd December 2015; and,
- The high-level political and technical meetings which took place in Kigali, Rwanda, from 7th to 10th December 2015.

22. The Board also participated in the 16th International Anti-Corruption Conference (16thIACC) held in Putrajaya in Malaysia, from 2nd to 4th September 2015.

(c) Report on the implementation of the Convention by States Parties

23. In the first part of the year 2015, specifically in May, the Advisory Board on Corruption sent a *Note Verbale* with questionnaires to the Ambassadors of States Parties to the African Union Convention on Preventing and Combating Corruption in Addis Ababa, Ethiopia. The duly-completed questionnaires were to be sent back to the Secretariat by 31st July 2015. To date, only twelve (12) States have responded:

1. Tanzania
2. Burkina Faso
3. Ethiopia
4. Madagascar
5. Namibia
6. Nigeria
7. Sierra Leone
8. Togo
9. Uganda
10. Rwanda
11. Comoros
12. Kenya

24. Due to the unavailability of email addresses of many of the Embassies in Addis Ababa, some *Notes Verbales* and questionnaires could not be sent electronically, which certainly caused a delay in the acknowledgements of receipt. Nevertheless, some embassies received the documents by mail. The Board wishes to thank the States that responded to the questionnaires.

25. The Board would like to encourage the following States to respond to the questionnaire :

1. Gambia
2. Zimbabwe

3. Zambia
4. Seychelles
5. Saharawi Arab Democratic Republic
6. South Africa
7. Mozambique
8. Malawi
9. Liberia
10. Lesotho
11. Libya
12. Ghana
13. Algeria
14. Benin
15. Burundi
16. Cote d'Ivoire
17. Congo
18. Gabon
19. Guinea Bissau
20. Guinea
21. Mali
22. Niger
23. Senegal

26. The report of the Board to the June 2016 Summit will include detailed findings from the evaluation report on the implementation of the Convention by States Parties.

(d) Review of the Board's Strategic Plan

27. The 2011-2015 Strategic Plan came to an end in December 2015. Evaluation of the implementation of the Strategic Plan was to be carried out using the evaluation mechanism outlined in the Plan itself. In the beginning, the Board had planned to organise a workshop to evaluate its 2011-2015 Strategic Plan. However, this could not happen due to lack of funds. That is why the Board had to invite only a few of its partners who could afford to pay their own way (with the exception of the AAACA representation which was supported by the Board) to assist in the evaluation of the 2011-2015 Plan in the sidelines of the 18th session of the Board in October 2015. The following partners were present: the United Nations Office on Drugs and Crime (UNODC), the Pan African Lawyers Union (PALU), Association of Anti-Corruption Authorities in Africa (AAACA), and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

28. The evaluation brought to light the fact that only 1% of the objectives of the 2011-2015 Strategic Plan had been attained. Taking this result into consideration, the Board reviewed the Strategic Plan in order to adapt it to the current situation.

29. The Advisory Board's new Strategic Plan for 2016-2020 will be submitted to the decision-making bodies of the African Union during the Summit in June 2016.

(e) Review of a tool/ mechanism to produce country reports

30. The Board is in the process of reviewing its mechanism of producing country reports in order to adapt same to its functions. Until now, the report on the implementation of the Convention is developed through the use of questionnaires sent to States Parties. After a few years, these questionnaires will become ineffective as a means of measuring the level of domestication and the implementation of the Convention by States Parties. The Board will be looking at the mechanisms employed by other anti-corruption regimes, with a view to adopting a mechanism which suits our African situation.

31. The Board has composed a working group for this specific task. The Working Group comprises five Board Members and the Executive Secretary.

(f) Partnerships and funding

32. Since its establishment, the programmes and activities of the Board has always been supported mainly by external partners, despite the existence of a decision requesting Member States to make financial contributions to the programme budget of the Board.

33. In order to make up for the lack of contributions from States, the Board has engaged several potential partners to finance its programme of activities or to collaborate with the Board through joint activities. The partners include: GIZ, European Union, the African Development Bank, SIDA (Swedish International Development Agency), UNODC and UNDP. At the moment many of these partners are waiting for the final version of our new Strategic Plan in order to confirm their collaboration and support in specific areas. Consultations will be held with the relevant AU organs and/or offices before agreements are concluded with such development partners.

V. PERSPECTIVES AND CHALLENGES

(a) Strengthening the Capacity of the Secretariat

34. The greatest challenge that the Board has been facing for several months now is the lack of adequate human resources. That is the substance of the Decision Doc. EX.CL/925(XXVII) which “STRESSES the need to equip the AUABC with requisite human and financial resources to enable it carry out its mandate.” The Board has taken several steps to contact the relevant departments and offices of the AUC to have this challenge dealt with but, unfortunately, our calls and appeals have not yielded any results to date.

35. As we report, the Secretariat of the Board still has barely five (5) staff members, out of which only three (3) have regular employment contracts with the AUC. The other two (2) are temporary staff. Since April 2014, the Board has been waiting for the appointment of a new Executive Secretary, to no avail. The lack of adequate human resources is a great handicap to the Board.

(b) Ratification of the Convention by all Member States

36. The ratification of the Convention by all the Member states is one of the priorities of the Board. It is, in fact, one of the issues that the Advisory Board requests the decision-making bodies of the Union to emphasise strongly. Although this relates to the sovereignty of States, the Board would like to encourage all States that have not ratified the Convention, to proceed to accede to the same. Ratification of the Convention by Member States is not only a manifestation of the willingness of States to contribute to the realisation of the noble ideals and objectives of the African Union but also a strong signal to the international community and to our partners about our shared values and commitment to fighting corruption. Additionally, if all African States ratified the Convention, this would not only raise the political profile of the fight against corruption in Africa but also enhance inter-state co-operation in confronting the canker.

37. The Board looks forward to strong mobilisation by Member States in favour of ratification of the Convention.

(c) Coalition for the implementation of the African Union Convention on Preventing and Combating Corruption

38. In order to promote and encourage the adoption and application of measures to fight corruption and related offences in Africa, the Board intends to mobilise anti-corruption institutions and organisations through the launching of a Coalition for that purpose in 2016. Once launched, “the Coalition” will be especially dedicated to the implementation of the African Union Convention on Corruption. This will also be an important tool to lobby Member States to support the activities of the Board.

39. The representatives of Member States will be invited to the grand continental conference at which the Coalition will be launched.

(d) Mobilisation of funds to support the 2016-2020 Strategic Plan of the Board

40. The greatest challenge that the Board faces is the mobilisation of funds to support the implementation of its Strategic Plan for 2016-2020. The Plan itself and its accompanying budget will be submitted to the decision-making bodies of the Union for review and approval during the June 2016 Summit.

41. As in the past, the Board counts on the support of States to mobilise funds for this critical assignment it is preparing to execute. The Board is aware of the financial and budgetary constraints being faced by the Union as a whole but is persuaded that sacrifices will be made to enable the Board to carry out its mandate to fight against corruption on the continent.

VI. CONCLUSION

42. The Board reaffirms its commitment to fulfil its mandate in line with the fundamental values and principles of the African Union. The Board recognises that very few activities have been accomplished thus far; however, this is a reflection of the state of funds put at the Board’s disposal to enable it fulfil its mandate. If very few activities

were carried out, it means very little was done in the fight against corruption and corruption continues unabated in Africa. The success of the activities of the Board depends on the support that Member States give to the Board.

43. Member States voluntarily adopted the African Union Convention on Corruption and voluntarily ratified it. The level of support given to the Board by Member States signifies the level of commitment of Members to fighting corruption on the continent; it also gives a signal to potential partners about their personal commitment to the cause. The Board wishes to thank Member States for supporting the work of the Board until now and for renewing this commitment through the budgetary allocation for 2016. But, like Oliver Twist, we cannot help but to ask for more, especially given the increasing challenges States face in tackling corruption in their respective countries.

44. The Board appeals to States once again to increase their contributions and commitment to fighting corruption on the continent because corruption is the greatest adversary to the development of Africa.

VII. RECOMMENDATIONS

45. In order to improve governance in preventing and combating corruption in Africa, the AUABC recommends the following to the African Union Conference of Heads of State and Government:-

- a) The urgent recruitment of the Executive Secretary and the strengthening of the capacity of the Secretariat of the Board in terms of human resources in order for the organisation to function optimally. In other words, recruitment of the following posts is essential and urgent:
 - Senior Policy Officer for Economic Matters, P3 (already included in the structure adopted by the Executive Council);
 - Accounts Assistant;
 - Administrative Assistant;
 - IT Specialist
 - Protocol Officer
- b) Request Member States of elected Members of the Bureau to provide the Members of the Bureau with the means necessary to fulfil their functions, pending the complete review of the structure of the Board;
- c) Urge Members to declare an African Union “Anti-Corruption Year.” This is aimed at raising awareness on the adverse effects of corruption in Africa and to call for concerted efforts towards combating the vice.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Council of Ministers & Executive Council Collection

2016

Report of the African Union Advisory Board on the fight against corruption

African Union

African Union

<http://archives.au.int/handle/123456789/4928>

Downloaded from African Union Common Repository