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**CONCEPT NOTE ON THE AFRICAN ANTI-CORRUPTION  
YEAR (PROJECT 2018)**  
**On the Theme: “WINNING THE FIGHT AGAINST CORRUPTION: A  
SUSTAINABLE PATH TO AFRICA’S TRANSFORMATION”**

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**Foreword**

Aspiration 3 of Agenda 2063 for Africa’s Transformation seeks to instil a universal culture of good governance, democratic values, gender equality, respect for human rights, justice and the rule of law. Aspiration 4 recognizes that the above values / principles are necessary pre-conditions for a peaceful and conflict-free continent.

By declaring 2018 the African Anti-Corruption Year, the African Union (AU) policy making organs have given a strong push forward in our collective efforts towards a peaceful and secure Africa. Indeed Corruption kills.

Corruption affects people’s daily lives, from roads built poorly, to unequal access to healthcare and medicine, to crime and violence in our communities and across borders, to political choices distorted by money and greed.

A lot has been done over the last 15 years since the adoption of the African Union Convention on Preventing and Combating Corruption (AUCPCC). Government and non-state actors have raised awareness of the devastating effects of corruption on human rights, civil and political rights and social, economic and political rights alike. They have mounted advocacy campaigns to influence national, regional, continental and global agendas demanding for systemic change. Working with a wide range of partners, they have adhered to globally accepted anti-corruption standards, developed innovative tools / approaches and carried out research to deepen our collective understanding of corruption and its many ugly faces.

It is my hope that Member States, regional economic communities, civil society organizations together with citizens (women, men and young people alike), AU organs and all other stakeholders will work together, in 2018 and beyond, to lift the burden of corruption out of the lives of the millions Africans affected, particularly the poor and marginalized in our societies.

**Signed by AUC Chairperson**

**H.E Mr. Moussa Faki Mahamat**

## Introduction

The adoption of the African Union Convention on Preventing and Combating Corruption (AUCPCC) in 2003 and its rapid entry into force in 2006 gave hope to many in Africa that governments across the continent were determined to fight corruption. Fifteen (15) years, corruption retains its grip on the continent and has taken so many facets. It undermines Africa's security, generates huge economic damage and violates human rights.

Agenda 2063 recognises that good governance is one of the necessary pre-conditions for a prosperous and peaceful Africa. This gives a sense of urgency to the fight against corruption if Africa is to silence the guns by 2020, just two years from now.

Failing to address corruption inhibits sustainable long term growth and undermines human development. It is the poor who suffer the most from corruption. Unequal power and gender dynamics make women and girls more vulnerable to corruption's impact.

The Mbeki report on Illicit Financial Flows highlights how corruption and weak transparency mechanisms allow tax avoidance, trade mis-invoicing, abusive transfer pricing, and many other ways used to deny Africa to reap its resources dividend. The 50 billion dollars Africa loses annually through IFFs are resources that could be used to create jobs for the youth who are now forced into illegal migration seeking for greener pastures.

This Concept Note provides the rationale for declaring 2018 the African Anti-Corruption Year. It further identifies interventions that, under the leadership of the African Union Advisory Board on Corruption (AUABC), the African Union, its organs, Member States, Regional Economic Communities (RECs), Civil Society Organizations together with citizens (women, men and young people alike) will embark upon during the course of the year and beyond.

The AUABC hopes to partner with Member States and supporters of the continent in the implementation of the activities identified which focus on the following:

- Deepen the resolve, focus and expertise for addressing the many facets of corruption facing Africa;
- Scale up and increase effectiveness of advocacy efforts; and
- Enhance and broaden partnerships with all stakeholders through strategic collaboration aimed at fighting corruption on the continent.

**Signed by AU-ABC Chairperson**

**Hon. Begoto Miarom**

## Context and Justification

1. The adoption of the AUCPCC on July 11, 2003 was a clear recognition of the negative effects of corruption and its devastating effects on the socio, economic and political transformation of the continent. Article 4(m) of the Constitutive Act of the African Union and Aspiration number three<sup>1</sup> (3) of Agenda 2063 illustrate the firm commitment of African leaders to entrench a culture of the rule of law and good governance. Aspiration 3 of Agenda 2063 even goes to state that by 2063 corruption and impunity will be a thing of the past.

2. The rapid entry into force of the AUCPCC is a testimony to the determination by African leaders to act as a matter of priority in order to fight the scourge of corruption.<sup>2</sup>

3. Article 22 of the AUCPCC institutes the AUABC within the African Union. The AUABC was established and became operational in 2009 with the following functions:

- 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 corruption corporations operating in Africa and disseminate such information to national authorities designed in Article 18(1) of the AUCPCC;
- 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 organisations to facilitate dialogue in the fight against corruption and related offences;

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<sup>1</sup> Aspiration 3: An Africa of good governance, democracy, respect for human rights, justice and the rule of law

<sup>2</sup> The AU Convention on Preventing and Combating Corruption (AU CPCC) entered into force on August 5 2006, only three years after its adoption

- 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 the AUCPCC; and
- Perform any other task relating to corruption and related offences that may be assigned to it by the policy organs of the African Union.

4. The AUCPCC is a fundamental instrument with provisions that can resolve the corruption challenge on the continent. This however, will only be feasible if Member States practically commit to its ratification, domestication and implementation. The Convention is one of the world's renowned anti-corruption instruments but it has yielded little result due to poor commitment and implementation by AU Member States. It is ironical that more African countries have ratified the United Nations Convention Against Corruption (UNCAC) instead of the AUCPCC. To date, only thirty-eight (38) Member States have ratified the Convention and are State Parties to the AUCPCC. It is therefore imperative that the AUABC receives adequate resources (financial, human, technological, infrastructural, etc) so that it can effectively perform its functions and boost the fight against corruption.

5. To further a culture of democracy and ensure good governance and the rule of law, the African Union has adopted the following instruments that complement the AUCPCC:

- African Charter on Democracy, Elections and Governance: adopted on January 30, 2007- Article 2 (9);
- African Charter on the Values and Principles of Public Service and Administration: adopted on January 31, 2011- Article 12; and
- African Charter on the Values and Principles of Decentralization, Local Governance and Local Development: adopted on June 27, 2014; Article 14.

6. Article 4(m) of the Constitutive Act of the AU and Aspiration 3<sup>3</sup> of Agenda 2063 illustrate the firm commitment of African leaders to entrench a culture of the rule of law and good governance. Aspiration 3 of Agenda 2063 even goes to state that by 2063 corruption and impunity will be a thing of the past.

7. The AU has a plethora of progressive normative frameworks on elections, democracy, effective and responsive governance on the continent. These frameworks constitute African shared values, including the holding of democratic, credible and peaceful elections, an efficient and effective government that delivers services to its citizens in a manner that is free of corruption, transparent, responsive and accountable government that answers to demands of citizens and deliberately avoids state capture

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<sup>3</sup> Aspiration 3: An Africa of good governance, democracy, respect for human rights, justice and the rule of law

by powerful corporate interests. Closely related to the effectiveness and responsiveness of governance in Africa is the democratic governance of the continent's natural resources.

8. Conservative estimates, by report of the High Level Panel on Illicit Financial Flows from Africa, (The Mbeki Report) indicate that Africa loses fifty (50) billion US dollars every year through illicit financial flows. This amounts to one trillion lost in the last 50 years; 60% of these losses are due to aggressive tax avoidance by multinational corporations.

9. There has been significant progress in the fight against corruption in the last two decades in Africa. AU Member States have been more than willing partners in this endeavour, and they have taken initiatives and measures at their level to give expression to the AUCPCC, particularly through the setting up of national anti-corruption institutions. As a result, while there are continuing corruption challenges on the continent, significant strides have been made and some achievements have been recorded which are worth noting. However, Africa is still faced with numerous corruption challenges, chief amongst them being the state capture by powerful corporate interests.

10. The first interface meeting between the Pan African Parliament, the AU-ABC and Civil Society on August 3 and 4, 2016 highlighted the need to build alliances, exchange ideas and maximise political will as various stakeholders "put their heads together to collectively address corruption. In addition, the High Level Dialogue on political parties and electoral violence in Africa (Praia, Sept 2016) highlighted the fact that political and electoral corruption is one of the major obstacles to the integrity of elections in Africa.

11. Civil society organisations play a key role in addressing the scourge of corruption particularly through advocacy and monitoring the efforts of states (at all levels) and intergovernmental organisations, but there still is a need for a more unified and strategic approach on anti-corruption. The Second Civil Society Forum on the AU-ABC held from 7-9 December 2016 in Arusha, Tanzania concluded that for anti-corruption efforts to be more effective, all stakeholders (including governments, parliamentarians, non-state actors, etc) must take a more holistic, strategic and coordinated approach.

### **Why declare 2018 as the African Anti-Corruption Year?**

12. Corruption continues to hamper negatively efforts aimed at promoting democratic governance, socio-economic transformation, peace and security in Member States. The AU Member States, RECs and the AU have undertaken various commendable regulatory instruments and established different institutions to combat corruption in Africa; the challenge however remains commitment to institutional approach to combating corruption in one hand and bridging the gap between norm-setting and norm-implementation through appropriate policies at local, national, regional and continental levels at the other hands. If corruption is not dealt with in Africa, the Africa Agenda 2063 and its first ten years action plan, the 2030 global plan for sustainable development, and the Vision 2020 on silencing the Guns may not yield the expected results.

**13.** Fifteen (15) years after the adoption of the AUCPCC, 2018 provides a good opportunity to take stock on progress made so far, assess what still needs to be done and devise new strategies that appropriately address new corruption challenges.

**14.** While the continent has seen sustained socio-economic growth over the past two decades, public confidence has been corroded by a concentration on near-term priorities and payoffs, propelled by corruption, election-cycle politics or quarterly results targets that too often leave young people worse off than their parents. Rather than looking towards a sustainable future that works for everyone, many have been left with a sense of desperation about the ideals of progress, technology, trade, and globalization because of the prominence and inequality fostered by Corruption.

**15.** Through the continuous mobilisation of the African people and the diaspora, there increasingly is people's ownership and mobilisation against corruption. However, social acceptance / tolerance of corruption is still very high. It is for this reason that declaring 2018 the African Anti-corruption Year is an opportunity to inspire everyone to embrace innovative and impactful anti-corruption tools and approaches that are currently in place.

**16.** The declaration of 2018 as the African Anti-corruption Year, with the theme: Winning the fight against corruption, a sustainable path to Africa's transformation, will provide further opportunity to consolidate the gains already made over the years, ensure better cooperation and mutual legal assistance, and secure stronger international cooperation in dealing with corruption.

## **Objectives of the African Anti-Corruption Year**

### **General Objective**

**17.** The general objective of the African Anti-corruption Year is to promote the fight against corruption and impunity on the continent as a sustainable path to a prosperous and peaceful Africa.

### **Specific Objectives**

**18.** The specific objectives for the celebration include:

- i) To evaluate the progress made in fighting corruption; and adopt best practices since the coming into force of the AUCPCC;
- ii) Increased space, leveraging on ICT and new forms of communications, for civil society and private sector participation in the fight against corruption in Africa;

- iii) To evaluate the level of ratification, domestication and implementation of regional, continental and relevant international instruments that have direct bearing on the fight against corruption at the national level. Encourage Member State to develop policies, plans of actions and programs so as to boost the fight against corruption in Africa;
- iv) Develop an Africa Common Position on the recovery of African assets hosted in foreign jurisdictions;
- v) Provide technical support to Member States in the fight against corruption; particularly those seeking to develop policies, plans of actions and programs; and
- vi) Contribute to the strengthening of the implementation of anti-corruption policies.

**19.** It is hoped that coordinated awareness, advocacy and monitoring campaigns will be initiated by stakeholders and partners at all levels (political, institutional, civil society organizations, national and community levels), and increase ownership by all key stakeholders.

### **Expected Outcomes of the African Anti-Corruption Year**

**20.** At the end of the African Anti–Corruption Year , it is expected that:

- i) The number of citizen led and AU backed initiative on anti-corruption across Africa will double, with a correlated increased in knowledge across the continent on the dangers of corruption on socio, economic and political transformation of Africa;
- ii) There will be an increased number of citizen and state based participation in the regional and relevant international anti – corruption instruments and measures;
- iii) There will be increased domestication and implementation of all AU and RECs<sup>4</sup> instruments that have bearings on anti – corruption at the local, national and continental levels; and
- iv) The fight against corruption will have contributed significantly to the realization of the Agenda 2063; and implementation of other relevant development agenda aimed towards Sustainable Development of the continent.

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<sup>4</sup> Particular attention shall be given to the Central Africa region which is lagging behind other RECs in terms of anti-corruption and good governance instruments.



## Activities Earmarked for the African Anti-Corruption Year

21. To ensure that the objectives set out above are achieved, a series of activities have been planned to commence in 2017, spread across the entire year of 2018, to assess anti-corruption gains made so far, review the corruption situation on the continent, take stock of what still needs to be done to create a culture of integrity on the continent, and explore how best to address the remaining challenges.

22. The activities are organized into 4 clusters namely preparatory and consultative activities; knowledge generation and management; advocacy and outreach and multi-sectoral dialogue.

23. As part of the activities, a Communication Plan is proposed that involves partners and African celebrities as endorsers to advocate for anti-corruption in Africa. The Plan proposes a clear message that links to Agenda 2063. There is need in particular, to build a brand by engaging the media and using modern tools of communication, such as television and online tools to really relay the message of the African Anti-corruption Year.

## Proposed Activities and Timelines

24. Please see attached Annex.

## Funding

25. While it is expected that the bulk of the funding will come from the African Union, support will also be solicited from partners around the world. Potential partners will include, but not be limited to:

- i) Individual AU Member States (to be identified);
- ii) African Development Bank;
- iii) UN ECA;
- iv) The United Nations (UNDP, UNODC);
- v) The European Union (EU);
- vi) World Bank;
- vii) The German International Cooperation (GIZ);
- viii) *Organisation Internationale de la Francophonie*;
- ix) The Commonwealth Secretariat;
- x) Foreign governments (such as Australia, Canada, China, Denmark, India, New Zealand, Norway, Sweden, United Kingdom, United States of America)
- xi) African private businesses (to be identified);
- xii) African private foundations (i.e. Trust Africa);
- xiii) African High Net Worth Individuals (to be identified).

### **Monitoring, Evaluation, Accountability and Learning**

- 26.** While all the AU organs and other relevant stakeholders, including RECs and civil society organizations will be involved, the main coordinating organs will be the AU-ABC, the African Governance Architecture Platform and Commission through the Department of Political Affairs.
- 27.** Overall political direction will be given by the champion, H.E Muhammadu Buhari, President of the Federal Republic of Nigeria.
- 28.** A Steering Committee composed of the AGA Secretariat, AGA Platform Members and a representative of the Federal Republic of Nigeria would steer the Project at the technical and operational level.
- 29.** The Steering Committee would provide periodic reports to the Chairperson of the Commission, the requisite policy organs and the champion. The Steering Committee would also be responsible for monitoring and evaluation of the project.

2018-01-29

# Concept note on the African Anti-Corruption Year (Project 2018) on the Theme: “Winning the Fight against Corruption: a Sustainable Path to Africa’s Transformation”

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