

Chapter 8

Principle 8: Effective and Pragmatic Anti-corruption Strategies

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8.1 The fight against corruption in Commonwealth Africa: Overview of progress

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Overview

The overall aim of this case study is to analyse the state of the anti-corruption effort in the Commonwealth Africa. Anti-corruption policies in Commonwealth African countries range from a single national anti-corruption strategy to a set of measures to promote transparency and accountability. In addition to anti-corruption strategies, some countries have introduced targeted approaches against corruption through risk assessments and sectoral approaches. Most anti-corruption agencies (ACAs) in African Commonwealth countries have functions that include investigation, education and preventive activities; a few have a prosecutorial function.

With regard to preventive and transparency measures, all the 18 Commonwealth African countries have signed and ratified the UN Convention against Corruption (UNCAC). The percentage of completed investigations of ACAs is rather low; the rate of convictions resulting from these cases varies. Educational work by ACAs seems not to be prioritised. The study concludes that the fight against corruption could be won if there were sufficient quality of governance, political will and implementation of legislation and policies and preventive measures. ACAs should be equipped with sufficient resources, capacity, independence and power to prevent and combat corruption. Since the principal beneficiaries of corruption in Africa are also found outside the continent, an international response is required to in order address this menace effectively.

8.1.1 Introduction

While corruption is a global threat, the problem is particularly severe in Africa. Indeed, 13 of the 18 Commonwealth countries in Africa have a score of less than 50 on Transparency International's Corruption Perceptions Index 2015. As a result, the Commonwealth Secretariat is focused on providing support to help anti-corruption agencies (ACAs) in the region to become more effective. There is no gainsaying that improvement in current levels of corruption requires strengthening of oversight agencies. Strong regional support for strengthening oversight institutions like ACAs is a prerequisite.

Thus, in 2011, the Secretariat convened the Association of Anti-Corruption Agencies in Commonwealth Africa (AAACA). This community of practice seeks to promote collaboration and learning in the region through the sharing of experiences and good practices. Members benefit from *pro bono* inter-agency support and have been able to devise strategies to self-manage and self-sustain anti-corruption work.

Then, in 2013, the Secretariat established the Commonwealth Africa Anti-Corruption Centre (CAACC) in Gaborone, in partnership with the government of Botswana and the AAACA. The CAACC has three main objectives: 1) to improve agency capacity to combat and prevent corruption; 2) to strengthen collaboration between regional agencies; and 3) to commission research and policy papers to strengthen understanding of challenges and solutions.

This flagship project provides a visible and tangible demonstration of the Secretariat's commitment to support its members' anti-corruption efforts, with the potential for replication across the Commonwealth. The establishment of this Centre at the request of members is also a sign that Africa and the wider Commonwealth are committed to rooting out corruption, demonstrating that it has the potential to grow beyond Africa, as the Commonwealth family has much to learn and share with each other.

This study seeks to examine the state of the anti-corruption effort in Commonwealth African countries, and to assess, analyse and compare anti-corruption initiatives using multiples sources of data, both secondary and primary. It gives a situational overview of the status of corruption in African countries in the Commonwealth, analyses anti-corruption efforts by ACAs in these countries and offers policy recommendations.

8.1.2 Background data

Table 8.1 examines the basic data for ACAs in Commonwealth Africa. These include name of the agency, date founded, mandate, investigative power, reporting authority, established under Constitution or Act of Parliament and staff count. ACAs in Commonwealth Africa are relatively young institutions. Tanzania's is the oldest, established in 1975; Kenya's Ethics and Anti-Corruption Commission was set up in 2011.

Most ACAs in African Commonwealth countries have functions that include investigation, education and preventive activities. In only three countries, Ghana, Nigeria and Sierra Leone, do they have prosecutorial functions. Most of the ACAs are a product of Act of Parliament; Ghana, Kenya, Rwanda and Uganda's ACAs are products of their Constitution. The reporting authority is the National Parliament except in Botswana, where the ACA reports to the Office of the President.

Table 8.1 ACAs in Commonwealth Africa: Background data (2014)

Country	Agency	Date founded	Mandate	Investigative power	Reporting authority	Constitution or Act of Parliament	Staff count
Botswana	Directorate on Corruption and Economic Crimes	1994	Investigation, prevention, education	Police powers	President	Act of Parliament	288
Mauritius	Independent Commission Against Corruption	2002	Investigation, prevention,	Police powers	Parliamentary Committee (Administrative)	Act of Parliament	160
Ghana	Commission on Human Rights and Administrative Justice	1992	Investigation, human rights, Ombudsman	Subpoena powers Public hearings	Parliament	Constitution	700 but only 20% in AC work
Ghana	Economic and Organised Crime Office	1993	Investigation, prevention, prosecution monitoring	Police powers Power to freeze assets for 14 days	Parliament through Attorney-General	Act of Parliament	468 (for now)
Cameroon	National Anti-Corruption Commission	2006	Investigation, prevention, education	Police powers	Presidency		68
Kenya	Ethics and Anti-Corruption Commission	2011	Law enforcement, prevention, education	Police powers	Parliament/ president	Constitution	300
Namibia	Anti-Corruption Commission	2006	Investigation, prevention, education		Parliament	Act of Parliament	70

(Continued)

Table 8.1 ACAs in Commonwealth Africa: Background data (2014) (Continued)

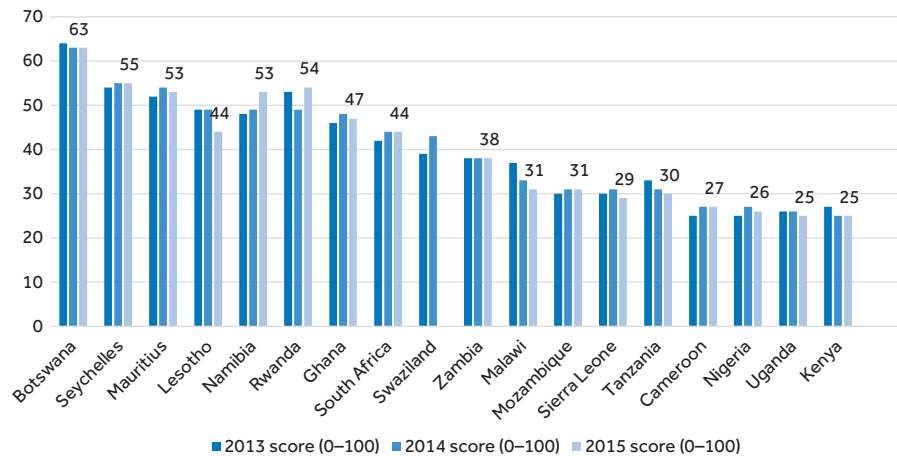
Country	Agency	Date founded	Mandate	Investigative power	Reporting authority	Constitution or Act of Parliament	Staff count
Lesotho	Directorate on Corruption and Economic Offences	2003	Investigation, prevention, education	Police powers	Parliamentary through Ministry of Justice	Act of Parliament	62
Nigeria	Economic & Financial Crimes Commission	2004	Investigation, prosecution, education	Prosecutorial powers Police powers	Parliament	Act of Parliament	2,000
Nigeria	Independent Corrupt Practices and Other Related Offences Commission	2000	Investigation, education, prosecution, advisory	Prosecutorial powers Police powers	Parliament	Act of Parliament	830
Mozambique	Anti-Corruption Bureau	2004	Prevention, investigation, prosecution	Prosecution	Attorney-General	Act of Parliament	96
Rwanda	Office of the Ombudsman	2003	Investigation, prevention, Ombudsman	Prosecutorial powers Police powers	Parliament/ president	Constitution	68
Sierra Leone	Anti-Corruption Commission	2000	Investigation, prevention, education, prosecution	Prosecutorial powers Police powers	Parliament	Act of Parliament	200

(Continued)

Table 8.1 ACAs in Commonwealth Africa: Background data (2014) (Continued)

Country	Agency	Date founded	Mandate	Investigative power	Reporting authority	Constitution or Act of Parliament	Staff count
Seychelles							
South Africa	Special Investigating Unit	2001	Investigation	Subpoena			
Swaziland	Anti-Corruption Commission	2008	Investigation, prevention, education				
Tanzania	Prevention and Combating of Corruption Bureau	1975	Prevention, education investigation	Police powers	Parliament, president, citizens	Act of Parliament	2,200
Malawi	Anti-Corruption Bureau	1996	Investigation, prevention				
Uganda	Inspectorate of Government	1987	Investigation, prevention	Police powers	Parliament	Constitution	350
Zambia	Anti-Corruption Commission	1982	Investigation, prevention, education	Police powers	Parliament by way of Annual Report through Executive	Act of Parliament	364

Source: Data collected by author.

Figure 8.1 CPI 2013–15

Source: Transparency International (2013), (2014) and (2015).

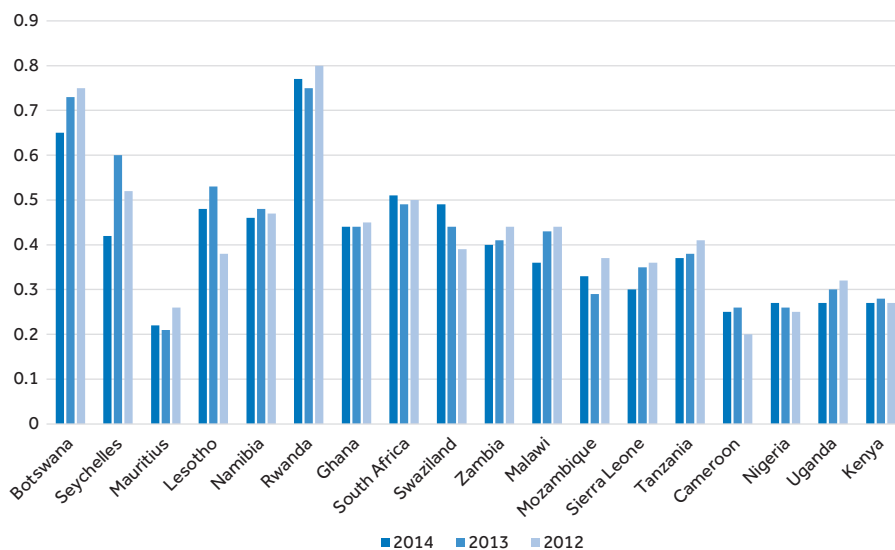
8.1.3 Corruption Perceptions Index

Overall, 11 of the 18 African Commonwealth countries managed to better their CPI rank between 2013 and 2015; the situation of seven has worsened. The CPI scores countries on a scale of 0 to 100, with 0 indicating high levels of corruption and 100 low levels. While year-on-year changes in these scores are generally not meaningful, they nevertheless point out whether a country has made meaningful progress in combating corruption. As Figure 8.1 illustrates, 13 of the 18 African Commonwealth countries ranked in the 2015 index score below 50 — meaning they are considered significantly corrupt. Only one country, Botswana, scored higher than 60, and only four other countries have a CPI score of higher than 50. Five countries score below 30.

8.1.4 Control of corruption

While the CPI does not pretend to provide an all-encompassing snapshot of the corruption situation in a given country, it does indicate that much still needs to be done to fight corruption in these 18 countries. This is also demonstrated in Figure 8.2, which shows the Control of Corruption Index 2014 for the 18 countries and loosely corroborates the CPI indexes. The Control of Corruption Index reflects perceptions of the extent to which public power is exercised for private gains. This includes both petty and grand forms of corruption, as well as ‘capture’ of the state by elites and private interests. Control of corruption is one of the six dimensions of the Worldwide Governance Indicators.

Analysts agree there is a direct correlation between corruption and economic freedom of a country. Economic freedom is the fundamental right of every

Figure 8.2 Control of corruption

Source: World Economic Forum (2012, 2013 and 2014).

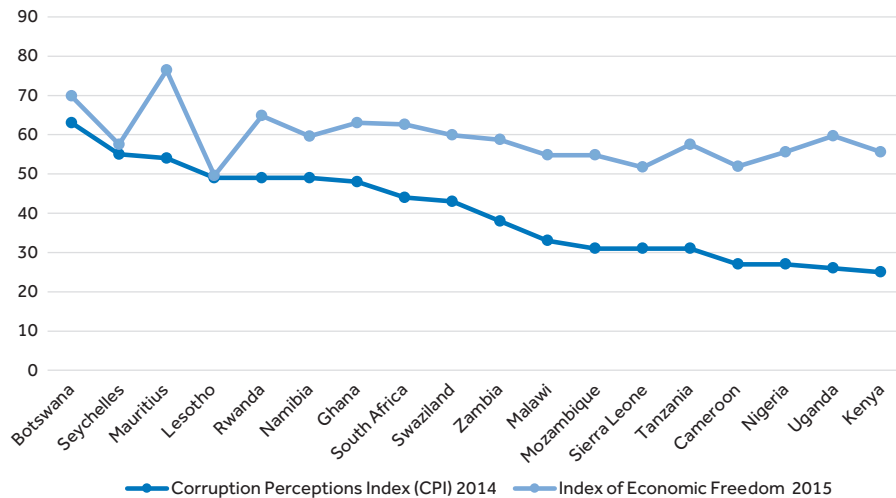
human to control his or her own labour and property. In an economically free society, individuals are free to work, produce, consume and invest in any way they please. In economically free societies, governments allow labour, capital and goods to move freely, and refrain from coercion or constraint of liberty beyond the extent necessary to protect and maintain liberty itself.

8.1.5 Corruption and economic freedom

When comparing the 2014 CPI to the Heritage Foundation's Index of Economic Freedom (see Figure 8.3), there seems to be a correlation indeed, with 13 of the 18 countries falling into the moderately free range. Economic freedom should be a guiding principle for policy-makers, and it seems that those countries scoring lower on the CPI may want to increase efforts to strive to protect the rule of law (property rights, freedom from corruption); limit government involvement in the economy (fiscal freedom, government spending); ensure regulatory efficiency (business freedom, labour freedom, monetary freedom); and open markets (trade freedom, investment freedom, financial freedom).

8.1.6 Preventative and transparency measures

With regard to preventive and transparency measures, all 18 countries have signed and ratified the UN Convention against Corruption (UNCAC), which is a multilateral convention negotiated by members of the UN and the first global legally binding international anti-corruption instrument. In

Figure 8.3 Corruption and economic freedom¹

its 71 Articles divided into 8 Chapters, UNCAC requires that states parties implement several anti-corruption measures, which may affect their laws, institutions and practices.

These measures aim at preventing corruption, including domestic and foreign bribery, embezzlement, trading in influence and money laundering. Furthermore, UNCAC is intended to strengthen international law enforcement and judicial cooperation, providing effective legal mechanisms for asset recovery, technical assistance and information exchange, and mechanisms for implementation of the Convention, including the Conference of the States Parties to UNCAC.

As Table 8.2 illustrates, not all 18 countries have enacted important laws in compliance with UNCAC. Access to information legislation is present in half of the African Commonwealth countries; two still need to pass conflict of interest legislation and three have no financial disclosure system in this regard. Half of the 18 countries have legislation providing immunity against prosecution for officials. In four countries, the law does not protect the ACA from political interference. While this is not a specific requirement of UNCAC *per se*, all but two countries have a national anti-corruption strategy.

Anti-corruption policies range from a single national anti-corruption strategy to a set of measures to promote transparency and accountability. In addition to anti-corruption strategies, some countries have introduced targeted approaches against corruption through risk assessments and sectoral approaches. Alternatively, in some cases, countries have — instead of an anti-corruption strategy — promoted broader efforts to promote transparency and accountability. Contrary to national anti-corruption strategies, such

Table 8.2 ACA preventive and transparency measures

	UNCAC signed and ratified	AU Convention on preventing and Combating Corruption	National anti-corruption strategy	Access to information legislation	Conflict of interest legislation	Financial disclosure system to prevent conflict of interest	Immunity from criminal prosecution for officials	ACA protected from political interference by law	Whistle-blower Protection legislation
Botswana	Green	Red	Green	Red	Green	Green	Green	Green	Red
Seychelles	Green	Green	Green	Grey	Grey	Grey	Grey	Green	Red
Mauritius	Green	Red	Green	Red	Green	Green	Red	Green	Green
Lesotho	Green	Green	Green	Red	Green	Green	Red	Red	Red
Rwanda	Green	Green	Green	Green	Green	Green	Green	Green	Red
Namibia	Green	Green	Green	Red	Red	Green	Red	Red	Red
Ghana	Green	Green	Green	Green	Green	Green	Green	Green	Green
South Africa	Green	Green	Green	Green	Green	Green	Green	Green	Green
Swaziland	Green	Red	Green	Grey	Grey	Grey	Grey	Grey	Red
Zambia	Green	Green	Green	Red	Green	Red	Red	Green	Green
Malawi	Green	Green	Green	Red	Green	Green	Red	Green	Green
Mozambique	Green	Green	Green	Green	Green	Red	Green	Green	Green
Sierra Leone	Green	Green	Green	Green	Green	Green	Red	Green	Red
Tanzania	Green	Green	Green	Red	Red	Green	Green	Red	Green
Cameroon	Green	Yellow	Green	Green	Green	Green	Green	Green	Red
Nigeria	Green	Green	Red	Green	Green	Green	Green	Red	Red
Uganda	Green	Green	Green	Green	Green	Green	Green	Green	Green
Kenya	Green	Green	Red	Green	Green	Green	Red	Green	Green

Source: Keulder (2015).

integrity measures might be implicit because they are embedded in wider governance or judicial reform programmes.

Three countries have yet to sign and ratify the African Union (AU) Convention on Preventing and Combating Corruption. One country has signed but not ratified it.

Eight of the 18 countries do not have whistle-blowing protection legislation *per se*, although in some countries whistle-blowers are to a certain extent protected by policies, or whistle-blowing legislation is in preparation.

ACA investigative and prevention activities

Most ACAs in African Commonwealth countries have functions that include investigation, prosecution and preventative activities. Table 8.3, however, demonstrates that the percentage of completed investigations of ACAs is rather low, and the percentage of convictions resulting from these cases varies also. Educational work by ACAs seems to, with the exception of Tanzania, not be prioritised.

8.1.7 Country reviews

Botswana as well as being the least corrupt country in Africa, is also one of Africa's freest economies. Botswana's economic freedom score by the Heritage Foundation is 69.8, making its economy the 36th freest in the 2015 Index. It remains the second-freest economy in the Sub-Saharan Africa region, and its overall score is well above the regional and world averages. Botswana's success in the annual CPI survey over the years may therefore be attributed to the often-diagnosed direct correlation between a country's economic freedom and the absence of corruption. Contributing thereto may be the oversight institutions, such as the Directorate on Corruption and Economic Crime, the Public Procurement and Asset Disposal Board, the Competition Authority and the Financial Intelligence Agency.

Mauritius has been able to make a difference in the fight against corruption as one of the least corrupt countries in Africa. The highest level of government has strongly committed to pursuing anti-corruption strategies and initiatives vigorously and persistently. This political commitment has been visible, forceful and convincing despite changes in regime. The recent passing of new laws and the creation of new institutions also prove this commitment. Mauritius has been joining different forces in the fight against corruption. It enlisted the legislative and judicial branches of government, the Independent Commission Against Corruption, public bodies, development partners, the business community and civil society as strong and equally committed parties. The overwhelming majority of Mauritians perceive the

Table 8.3 ACA investigative and preventive activities

	# of complaints received by ACA 2014	# of investigations 2014	% of investigations completed by ACA 2014	% of completed investigations prosecuted 2014	% of convictions from prosecuted cases	# of learning and outreach events in 2014 by ACA
Botswana	1,246	395	45.3	6.7	16.7	–
Seychelles	–	–	–	–	–	–
Mauritius	14,642	6,184	93.6	6.5	35.7	104
Lesotho	1,237	278	21.6	38.3	78.2	28
Rwanda	120	120	86.7	12.5	–	26
Namibia	–	–	87.0	8.0	66.6	many
Zambia	724	439	48.3	14.5	74.0	13
Malawi	1,152	1,000	43.5	12.8	10.7	340
Mozambique	–	291	34.4	–	23.6	4
Sierra Leone	521	254	25.6	66.1	34.9	31
Tanzania	5,069	607	–	53.9	31.8	4,382
Cameroon	1,665	–	–	–	–	20
Nigeria	6,084	4,453	64.7	16.8	24.1	343
Uganda	1,579	7,539	18.8	100.0	0.1	44
Kenya	–	–	5.8	34.5	–	50

Source: Keulder (2015).

media as having a positive role and independence. However, senior management and most board members in parastatals are replaced when the government changes after a general election.

Lesotho has a plethora of anti-corruption laws and has achieved some highly publicised victories over corruption. There is still significant room for improvement though. Underfunded oversight institutions have created important problems within the public sector. Although the institutions charged with monitoring and controlling corruption have positive intentions, without resources they cannot operate to their maximum capacity.

Rwanda has made remarkable progress in terms of anti-corruption since the 1994 genocide. These efforts seem to have yielded results, with the country performing better than many other African countries in terms of control of corruption on most governance indicators. Yet there are a number of areas in which corruption still needs to be addressed. There have been instances of tax and public funds embezzlement, fraudulent procurement practices and judicial corruption.

It is generally agreed that **Namibia's** legal and institutional framework for curbing corruption is adequate and among the most functional in the region. Despite efforts by the Anti-Corruption Commission, the Office of the Ombudsman and the Office of the Auditor-General, public corruption remains a problem. The division of powers is respected in practice, which means the judicial system is generally able to address corruption and enforce contracts without political interference. Many observers view the establishment of the Anti-Corruption Commission as a major positive step forward. The anti-corruption campaign is backed by a strong civil society and the media, which function as the main watchdog in the country by revealing cases of corruption and illicit enrichment by holders of high offices. Overall, Namibia has an ambitious anti-corruption framework, but the main problem is implementation and enforcement of these laws.

Ghana's governments have set up various anti-corruption bodies during the past decade. However, despite these efforts, the country has not managed to significantly curb corruption, and reducing corruption has proven difficult for several reasons. Several observers point out that Parliament and anti-corruption institutions lack human, material and financial resources. Furthermore, Ghana's still excessive bureaucratic system encourages corruption, and asset declarations by public officials are both unverifiable and inaccessible to the public. This prompts the need to enact the Freedom of Information Bill. Ghana's new policy of a liberal, private sector-driven development agenda still needs to be translated into action with the implementation of a complementary robust private sector anti-corruption policy.

South Africa's numerous anti-corruption agencies and laws indicate a strong political will and commitment towards combating corruption. However, many of the agencies and laws suffer from uneven implementation and overlapping mandates, which affects their operating ability and enforcement of the anti-corruption legal framework. The government has pledged to streamline procedures and provide more efficient and democratic public service in accordance with the so-called *Batho Pele* ('Putting People First') principle. The fight against corruption will also need to be strengthened in the areas of public education and prevention. Measures already introduced include a new law to facilitate efficient and effective prosecution of corrupt officials; a review of the African National Congress' deployment policies to ensure positions are based on competence and not just personal or political connections; a ban on anyone holding public office having links with companies doing business with the state for at least a year after leaving their posts; and tougher rules and much greater openness in the award of public contracts.

Zambia's legal framework for an effective fight against corruption is in place, but significant implementation gaps remain. No verification mechanism exists for asset declarations, and it is difficult for the public to receive copies of such declarations. A well-functioning freedom of information act is not in place to secure the right of the public to access information held by the government. Nonetheless, some positive steps have also been taken, such as the launch of Zambia's first national anti-corruption policy and companion action plan, with anti-corruption targets through 2015, and enactment of the Public Interest Disclosure Act (the Whistle-Blowers Protection Act) in 2010. The government has also embarked on significant changes to combat corruption, among them a new Anti-Corruption Commission Act in 2012, which reintroduced the repealed abuse of office clause. The Anti-Corruption Commission has also pursued several high-ranking officials involved in corruption.

Mozambique's government has been vocal about its intentions to curb corruption. Consequently, corruption is not a problem of inadequate laws but one of laws not being enforced. In order to tackle corruption in the country, stronger enforcement of anti-corruption legislation is needed. Currently, the Anti-Corruption Law 2004 does not cover private sector corruption, and many observers identify whistle-blower protection as weak. Last but not least, more effective oversight of the procurement process may be needed in order to reduce corruption in procurement. A change in attitude towards corruption by citizens and the public and private sectors is a prerequisite.

Malawi enjoys political stability and a general framework for good governance is in place. Corruption is a major challenge, though. In the 2014

round of the Afro-barometer survey, a good number of Malawians (64 per cent) believed ordinary people could make a difference in the fight against corruption in the country, while the majority (75 per cent) believed the news media had been effective in reporting corruption. The Anti-Corruption Bureau still faces financial and human resource constraints. It is undertaking civic education efforts, such as workshops and campaigns in the media, leading to greater public visibility. Its anti-corruption measures involve reviewing procedures, systems and methods in public as well as private organisations, and advising on best practices with regard to prevention and detection of corruption.

Swaziland's Anti-Corruption Commission has demonstrated some degree of effectiveness in its operations. It is mandated by law to receive and investigate allegations of public sector corruption. Together with the Money Laundering (Prevention) Act of 2001, the Prevention of Corruption Act also criminalises several corruption-related activities, such as bribery, kickbacks and use of state confidential information for personal gain. The Anti-Corruption Commission has conducted high-level investigations of top public officials alongside other civil servants. However, other high-profile cases investigated previously are still before the court. There is a lack of capacity, and resources are inadequate. There has also been a wrangle about the legality of the constitution of the Commission. The result is that the present Commission, constituted in March 2008, has had to start implementing the mandate afresh, and its National Strategy has not been implemented. The core objectives are to prevent and combat corruption and achieve zero tolerance. This could be achieved by and through implementation of the provisions of the Prevention of Corruption Act of 2006 as well as by interacting with other partners.

Tanzania has a comprehensive body of laws, regulations and oversight agencies intended to prevent, investigate and sanction corrupt practices. Legislation is adequate to deal with corrupt activities at all levels. However, there is often failure to enforce these rules, or the wilful circumvention of them. Since assuming office in November 2015, President John Magufuli has been rebuilding lost trust with Western donors by firing public officials deemed incompetent and corrupt. He has been cracking down on corruption and wasteful spending, including by cancelling Tanzania's Independence Day celebration and instead using the nation's funds to battle the cholera outbreak and calling on citizens to clean up the country. He participated in these efforts personally by cleaning up rubbish outside of the state house. Magufuli has also banned unnecessary foreign travel for government officials and reduced the Cabinet from 30 ministers to 19.

Cameroon's government seems to have committed more resources to curbing corruption in the past few years. Positive developments include a string of convictions of high-ranking officials and member of the government on

corruption and embezzlement charges starting from 2006. However, major challenges in the implementation of many measures persist. Among others, a law on the declaration of assets is not yet in force. Provisions in the public procurement code are not well observed in practice. In addition, there is a need for a public information law, which would provide the public and civil society with an effective instrument to hold the government accountable and check on public expenditure. A sustained relationship between the National Anti-Corruption Commission and civil society has contributed to improved participatory governance and a more effective war against corruption. There has been constructive engagement between the various key champions against corruption in both public and private sector institutions, including the Commission, in building and encouraging a ‘watchdog mentality’ within civil society. This has ensured effective presence of the Commission in remote areas, where contractors and local government officials perpetrate the most corrupt activities related to infrastructure.

Nigeria’s legal and administrative framework for combating corruption is generally in place. However, as with legislation and regulations in general in the country, implementation and enforcement are weak. Although Nigeria has several anti-corruption agencies, their ability to tackle corruption and bring corrupt individuals to justice has remained a challenge. Fighting endemic corruption in Nigeria is definitely not an easy task, and it requires full support from all levels of society. Nevertheless, the new government has also generated several positive developments in addressing corruption and promoting good governance. President Buhari did not have to verbally declare there would be no sacred cows in his anti-corruption fight: he is showing Nigerians this by ordering or allowing the arrests of prominent citizens in society, thus proving to the people that he is not afraid to take on the ‘big guns.’ This may be winning the trust of Nigerians.

The nature of corruption in **Uganda** is a subject of some debate. Despite fairly elaborate formal control mechanisms, corruption continues to be a major problem. Anti-corruption agencies are understaffed and underfinanced, which greatly curbs their practical capacity to enforce legislative measures to combat corruption. Although Uganda has certain initiatives in place, including the Anti-Corruption Bill of 2009 and the Anti-Corruption Court, the resources to enforce them are generally lacking. The Anti-Corruption Act 2009 has the potential to affect positive developments in Uganda’s fight against corruption. The nature of the results of this act will depend on the effectiveness of its implementation.

Kenya had been thought of as one of the more politically stable countries in Eastern Africa until the ethnic disturbances in the wake of the December 2007 presidential elections. On 27 August 2010, Kenya took a large step forward in the fight against corruption and ratified a new Constitution that has been

praised by the international community. This is founded on principles of 'good governance, integrity, transparency and accountability'. It will cement the separation of powers, discourage ethnic tensions, weaken the powers of the president and thus create an environment less susceptible to corruption. Further, it calls for the creation of a new anti-corruption body, called the Ethics and Anti-Corruption Commission. This was founded in 2011, consistent with the timeframe in the Constitution. Another important addition is the enshrining of the Public Officer Ethics Act into the Constitution. Public officials are now mandated to have 'high standards of professional ethics' and must declare their wealth. Kenya is the first African country to make government data accessible to ordinary citizens via the internet. The effects of these reforms are yet to be fully felt or reflected in surveys.

Fourteen years after the end of its civil war, **Sierra Leone** continues to struggle with systemic corruption that undermines efforts toward sustainable development. These challenges are reflected in citizens' perceptions expressed in the latest Afro-barometer survey. A large majority of Sierra Leoneans say the level of corruption in the country is a major problem. The Anti-Corruption Commission has adopted several steps aimed at preventing, suppressing and ultimately eradicating corruption in the country. There is undoubtedly massive interest in Sierra Leone's attempts here, as corruption continues to undermine national development efforts. Since prosecutions of alleged corrupt offences cannot necessarily stop corruption, the Commission initiated and is implementing a 'systems and processes review project' aimed at preventing corruption.

8.1.8 Conclusion and policy recommendations

UNCAC is a key driver in developing anti-corruption strategies in African Commonwealth countries. The discussion about anti-corruption strategies and activities in the 18 African Commonwealth countries, and the varying impact ACAs have, points to similar issues, that can be summarised as follows and are not unlike those in countries elsewhere:

Improve the quality of governance: The success or failure of an anti-corruption strategy is very much contingent on the quality of governance in a given country.

Make available sufficient resources: In almost all the countries reviewed here, anti-corruption agencies are at the centre stage of the development and implementation of anti-corruption actions. A common challenge noted is that ACAs are not receiving sufficient resources.

Demonstrate political will: The role of ACAs in the implementation of anti-corruption strategies often rests with numerous agencies within and outside

the state and relies on long-term government support and commitment. Without this high-level support, the ACAs will not be able to develop and implement strategy. Therefore, political will to fight corruption is a precondition for the successful operation of ACAs. This entails that the ACAs be equipped with sufficient resources, capacity, independence and power to prevent and combat corruption.

Focus on implementation: The ultimate value of anti-corruption legislation and policy development is in its implementation. A good range of anti-corruption legislation exists, but it is not implemented uniformly.

Focus attention on preventive measures: These seem to take a backseat to punitive measures. The relative low level of anti-corruption educational and outreach activity by ACAs is unfortunate. Cooperation between ACAs and non-governmental and civil society organisations in educational work is generally fruitful. In addition to raising awareness about the extent of corruption, national surveys can be used more systematically to inform the development and monitoring of anti-corruption strategies.

Ensure media and economic freedoms: Freedom of the media and economic freedoms are minimum requirements in building a strong anti-corruption culture. This requires the passing of access to information legislation, which only half of the countries have.

Establish monitoring and evaluation mechanism: Constant monitoring, evaluation and measurement of anti-corruption initiatives is generally lacking among ACAs, and is mostly performed by non-state actors. A key challenge is to identify measurable indicators, with established baselines and tracking mechanisms to determine whether progress is being made, and to adjust policies and strategies accordingly. Only a few countries have set up adequate implementation, monitoring and evaluation mechanisms.

Finally, corruption is an international threat. The global fight against corruption has been approached in the wrong way for too long. The philosophical orientation underpinning the fight is that developing Global South economies are more corrupt than the advanced Western economies. Such thinking does not appreciate the concept of partners in crime or that it 'takes two to tango'; for every one corrupt person in a developing country there is an equal and opposite partner in developed countries.

Similarly, for every one corrupt public officer there is a minimum of three to five private sector conspirators, such as lawyers, bankers, accountants and business executives who facilitate the concealment of the stolen assets. In a globalised financial system, funds embezzled in one continent can cross borders in the blink of an eye. Indeed, the principal beneficiaries of corruption in Africa are also found outside the continent. An international response is therefore required to meet this threat.

Note

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