OUTCOMES OF THE 4th EDITION OF THE ANTI-CORRUPTION DIALOGUE

FIGHTING CORRUPTION THROUGH EFFECTIVE AND EFFICIENT JUDICIAL SYSTEMS

2- 4th NOVEMBER 2019

VIRTUAL

INTRODUCTION

The 4th Edition of the African Anti-Corruption Dialogue was convened by the African Union Advisory Board on Corruption from 2nd -4th November 2020 via a series of webinars under the main theme “Fighting Corruption Through Effective and Efficient Judicial Systems.”

The Virtual Dialogue brought together participants from National Anti-Corruption Agencies, civil society organisation, media, academia, international organisations and other interested individuals Convened under 4 webinars to namely:

1. Enhancing Transparency and Accountability in Responding to the COVID19 Pandemic
2. Fighting Corruption Through Effective and Efficient Judicial Systems
3. Reflections on Status of anti-Corruption in Africa, and

The Dialogue provided a platform for engagement and reflections on current challenges around transparency and accountability in responding to COVID 19 Pandemic as well as the role of national justice systems in promoting the anti-corruption agenda. As tradition during the Dialogue, a closed session was held between the national anticorruption authorities as well as a Non-State Actors Forum to discuss matters of concern and ways to enhance the collaboration between the Board and the Non-State Actors. The 3 Day Dialogue was attended by over 200 participants from over 40 Countries. The outcomes of the deliberations of the Dialogue were as follows:

A) Enhancing Transparency and Accountability in Responding to the COVID19 Pandemic
Discussions highlighted challenges related to the COVID-19 pandemic including the need to build transparency and accountability into the pandemic response. Though COVID-19 being treated as a crisis, it has opened up doors for fraud and misuse of resources and disregard of rules and good practices and accountability measures in management of funds at all levels of procurement and service delivery. The following recommendations were made:

i. The Continent should draw inspiration from good practices in the management of Coronavirus Pandemic from previous experience by employing proper stakeholder engagement strategies.

ii. AUABC should strategize on how to use the platforms of AU member countries and the RECs for interagency collaboration in combating corruption and promoting transparency and accountability in procurement systems and management of funds in times of health crisis.

iii. The Continent should utilize policies to promote existence of friendly environment that aims to protect the whistleblowers and promotes flow of information.

iv. The AU and its organs to continue t promoting the importance of stakeholder capacity building and improved channels for access of information from the Governments in a timely manner.

B. FIGHTING CORRUPTION THROUGH EFFECTIVE AND EFFICIENT JUDICIAL SYSTEMS

Being the main theme of the Dialogue, the webinar discussed the challenges and bottlenecks in efficient and effective handling of corruption cases in the administration of justice chain. Drawing on their experience and expertise, the speakers discussed best practices to combat corruption within judicial systems and to enable them to be effective and efficient mechanisms in the fight against corruption in Africa.

The following a recommendations were made:

i. To be a credible and effective actor in the fight against corruption, the judicial system must fight effectively against corrupt practices and bribes within it. Actors in the judicial system must develop strategies in close cooperation with national anti-corruption institutions to eradicate corruption in the judiciary. Similarly, magistrates in charge of corruption procedures and issues must be recognised for their probity and moral integrity.

ii. The effectiveness and efficiency of judicial institutions in the fight against corruption also depends on the degree of autonomy of these institutions in relation to other powers within the state (executive and legislative). The AU member countries, in their efforts to combat corruption, should work towards the establishment of freer and autonomous Judiciary systems to improve efficacy and effective handling of cases.
The independence of magistrates and all actors involved in judicial proceedings must be ensured. This will bring back lost trust and credibility in the Judiciary system.

iii. Magistrates and actors in the judicial system must be provided with appropriate tools and means in the fight against corruption. An effective and efficient judicial system in the fight against corruption requires, inter alia, the adoption of adequate and regularly updated laws, adequate initial and in-service training of actors, broad and unfettered prosecutorial and investigative powers for magistrates, and the removal of immunities and jurisdictional privileges enjoyed by certain senior officials.

iv. The good practices identified by the AUABC in its research on the Theme of the 4th Annual Anti-Corruption Dialogue should be shared with all African states and serve as a basis for improving national justice systems. Further the UAABC must facilitate the establishment of a Judiciary-friendly discursive platform to discuss challenges, milestones against corruption and sharing good practices.

C. REFLECTIONS ON THE STATE OF ANTI-CORRUPTION IN AFRICA

In this webinar, the National Anti-Corruption Authorities reflected on the general state of anti-corruption efforts in Africa and further discussed matters of general interest and concern.

The following are the key recommendation:

i. AU Member States to institutionalise Zero tolerance Policies on corruption in the governance structures including recruitment of expert personnel.

ii. AU Member States to be encouraged to remove immunity from prosecution on senior Government personnel as well as removing discretionary powers to make decisions given to Ministers and instil integrity, accountability and transparency.

iii. Member States must promote the use of contemporary e-World in expediting tracking of IFFs, reporting of crimes, extradition of persons contravening the anti-corruption/graft act and case management processes.

iv. AUABC to promote experience sharing, and participatory and inter/multiagency learning and capacity building among the AU member States in the strategies aimed at combating corruption in the African Continent.

v. Member States are encouraged to provide more support to the National Anti-Corruption Authorities to enhance the implementation of the African Union Convention on Preventing and Combating Corruption to which they are signatories to..
D. NON-STATE ACTORS FORUM

As a follow to the inaugural meeting held in October 2019, the webinar was aimed at enabling the Board and non-state actors to reflect and discuss the modalities for close collaboration in the fight against corruption in Africa.

The following are the recommendation made;

i. Non-state actors are an essential and important link in the effective and efficient fight against corruption in Africa. Not only should the initiative of this forum and the holding of its second edition be welcomed, but we should also work to ensure that it becomes an increasingly important framework for consultation, information exchange and the development of joint working strategies.

ii. The proposal to develop national anti-corruption networks is an excellent initiative. CSOs should work with the country rapporteurs appointed within the Board to facilitate the establishment of such networks.

iii. Non-state actors need to become more involved and work closely with the AUABC in the fight against corruption in African countries through advocacy work around the ratification of the African Convention against Corruption, popularising the African Common Position on Asset Recovery, support the Board’s evaluation and/or awareness-raising missions, appropriate and use the state reporting framework, and where appropriate provide all useful information to the Board in the context of its missions.

iv. AUABC to support Non-State Actors by strengthening its structures both in anticorruption technical know-how and by mobilizing funds for the CSO Forum to engage with Governments on crystalizing the strategies on the fight against corruption to Africa we want – a Continent that thrives on transparency, integrity and accountable management of resources.

v. AUABC should be in the outlook for opportunities that are presented, especially with AU Member States that have not ratified the Convention to lobby, create awareness on the importance of the Universal ratification of the Convention.