



African Union efforts in Combatting Corruption: Achievements, Challenges and Opportunities

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Introduction

- ▶ The Member States of the African Union adopted the African Union Convention on Preventing and Combating Corruption (The Convention) at the Second Ordinary Session of the Assembly of the Union, held in Maputo (Mozambique), on 11th July 2003.
- ▶ The Convention entered into force on 5th August 2006, thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification. To date thirty-eight (38) countries have ratified the Convention and are States Parties to it.



Objectives of The Convention

1. Promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors.
2. Promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and related offences in Africa.
3. Coordinate and harmonize the policies and legislation between State Parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent.



Objectives of the Convention

4. Promote socio-economic development by removing obstacles to the enjoyment of economic, social and cultural rights as well as civil and political rights.
5. Establish the necessary conditions to foster transparency and accountability in the management of public affairs.



Principles of the Convention

1. Respect for democratic principles and institutions, popular participation, the rule of law and good governance.
2. Respect for human and peoples' rights in accordance with the African Charter on Human and Peoples Rights and other relevant human rights instruments.
3. Transparency and accountability in the management of public affairs.
4. Promotion of social justice to ensure balanced socio-economic development.
5. Condemnation and rejection of acts of corruption, related offences and impunity



Scope of the Convention

- ▶ This Convention is applicable to the following acts of corruption and related offences:
 - ❑ the solicitation or acceptance of any goods of monetary value
 - ❑ the offering or granting of any goods of monetary value
 - ❑ Act or omission in the discharge of duties
 - ❑ abuse of office
 - ❑ Illicit enrichment



Scope of the Convention

- ❑ the use or concealment of proceeds derived from any of the acts referred to in this Article;
- ❑ participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or on any other manner in the commission or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this article.



What is expected of Member States

- Adopt legislative and other measures that are required to establish as offences, the acts mentioned in Article 4 paragraph 1 of the present Convention.
- Strengthen national control measures to ensure that the setting up and operations of foreign companies in the territory of a State Party shall be subject to the respect of the national legislation in force.
- Establish, maintain and strengthen independent national anticorruption authorities or agencies.



What is expected of Member States

- Adopt legislative and other measures to create, maintain and strengthen internal accounting, auditing and follow-up systems etc
- Adopt legislative and other measures to protect informants and witnesses in corruption and related offences, including protection of their identities.
- Adopt measures that ensure citizens report instances of corruption without fear of consequent reprisals.



What is expected of Member States

- Adopt national legislative measures in order to punish those who make false and malicious reports against innocent persons in corruption and related offences.
- Adopt and strengthen mechanisms for promoting the education of populations to respect the public good and public interest, and awareness in the fight against corruption and related offences, including school educational programmes and sensitization of the media, and the promotion of an enabling environment for the respect of ethics.



Status of Implementation of the Convention

- ▶ The Board is mandated pursuant to Article 22(7) to receive annual reports from States Parties on the progress made on implementation of the Convention.
- ▶ It is on this basis that the Board receives information on the state of implementation of the Convention.
- ▶ The Board receives this information through a questionnaire which States Parties fill and send to the Board
- ▶ To date, 49 of the 55 AU Member States have signed the African Union Convention on Preventing and Combatting Corruption.

Status of Implementation of the Convention

However, only 38 countries have ratified the convention, while 17 countries are yet to do so. These countries are:

- | | |
|-------------------------------|-----------------------|
| ➤ Angola | ➤ Mauritania |
| ➤ Cameroun | ➤ Mauritius |
| ➤ Central African Rep. | ➤ Morocco |
| ➤ Cape Verde | ➤ Somalia |
| ➤ Djibouti | ➤ Sao Tome & Principe |
| ➤ Democratic Rep. Of
Congo | ➤ South Sudan |
| ➤ Equatorial Guinea | ➤ Sudan |
| ➤ Eritrea | ➤ Swaziland |
| | ➤ Tunisia |



Status of Implementation

To date (from questionnaires sent in 2015) the Board has received 13 state reports from

1. **Burkina Faso**
 2. **Comoros**
 3. **Ethiopia**
 4. **Kenya**
 5. **Madagascar**
 6. **Namibia**
 7. **Nigeria**
 8. **Rwanda**
 9. **Sierra Leone**
 10. **Tanzania**
 11. **Togo**
 12. **Uganda**
 13. **Zimbabwe**
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Achievements in the fight against corruption

- ▶ A study of the reports of the States Parties showed that these States met their obligations under Article 5 (1) which requires them to adopt legislative and other measures necessary to define the acts provided for in the Convention
- ▶ State parties have been adopting laws meant to specifically combat corruption.
- ▶ The analysis of the reports also reveals that strides have been made in the following areas;
 - ▶ establishment and strengthening of anticorruption bodies,
 - ▶ Enactment of anticorruption Act and national anticorruption strategies
 - ▶ protection of witness and informants,



Achievements in the Fight against Corruption

- ▶ Declaration of assets by senior public officers.
- ▶ There is active role of civil society and media
- ▶ Confiscation and seizure of instrumentalities and proceeds of corruption
- ▶ There is a lot of civic education and awareness programmes
- ▶ Anti-money laundering laws to deal with laundering of proceeds of corruption
- ▶ Strengthening of accountability systems such as the Audit, Accountant General and Parliamentary accounts committees



Challenges in the Implementation of the Convention

- Of the 38 State Parties many have successfully gone on to establish NACA's; Challenges still exist in terms of these not being fully independent and adequately resourced. Some are not rooted in the Constitution;
- Legislative and other measures are in place but actual implementation still needs to be improved;
- Access to Information still a challenge in most State Parties;
- Aspect of actual monitoring of implementation is still not streamlined – Process needs streamlining e.g. Questionnaire needs attention to take into account current issues;



Status of Implementation of the Convention – Institutional Capacity of AUABC

- The institutional capacity of the AUABC also needs to be enhanced-
- Challenges exist in terms of the Board being effective in assessing actual implementation of the Convention;
- Inadequate resources;
- Part time nature of the Board; and
- Limited Tenure



Challenges



- ▶ The preliminary analysis reveals that States Parties under review have to a large extent made significant efforts to combat corruption as has been required by the Convention.
- ▶ However, such analysis is based on the methodology adopted, which can be subject to certain criticisms. These include;
 - ▶ Adoption of legislative and administrative measures on its own does not lead to a reduction in corrupt practices
 - ▶ The methodology needs to be supported by data and statistics that can measure corruption trends
- ▶ AUABC will be prioritising studies on measurement of corruption and capacity building of national anticorruption agencies to deal with this challenges.



Opportunities

- African anti Corruption year has provided a platform for deeper engagement on anticorruption issues
- Advocacy by key stakeholders (such as CSO etc) for ratification, effective domestication and implementation of the Convention;
- Closer collaboration within monitoring of actual implementation on the ground; area of impact of corruption on women could be an area to research on and advocate for tougher measures to punish
- Joint research on pertinent issues of the Convention to guide policy actions; e.g. mainstreaming of gender in the fight against corruption



Conclusion

- The need for State Parties to continue implementing and complying to the provisions of the Convention;
- Need to build stronger accountability institutions that are independent is critical. These will in turn ensure the implementation of various provision of the Convention

THANK YOU

