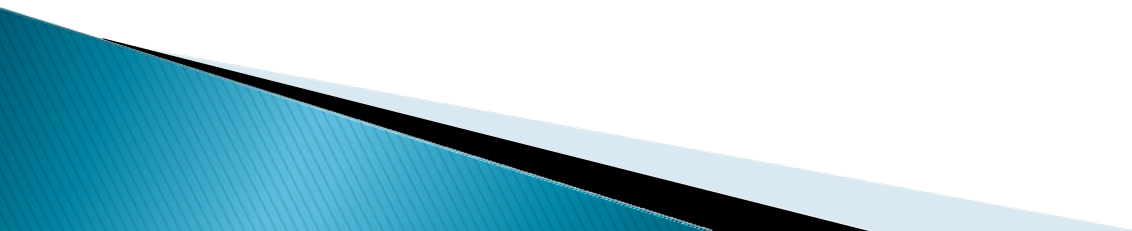


PRESENTATION AT THE AFRICAN ANTI CORRUPTION CONFERENCE OF THE EAST AFRICAN ASSOCIATION OF ANTI CORRUPTION AUTHORITIES (EAAACA)

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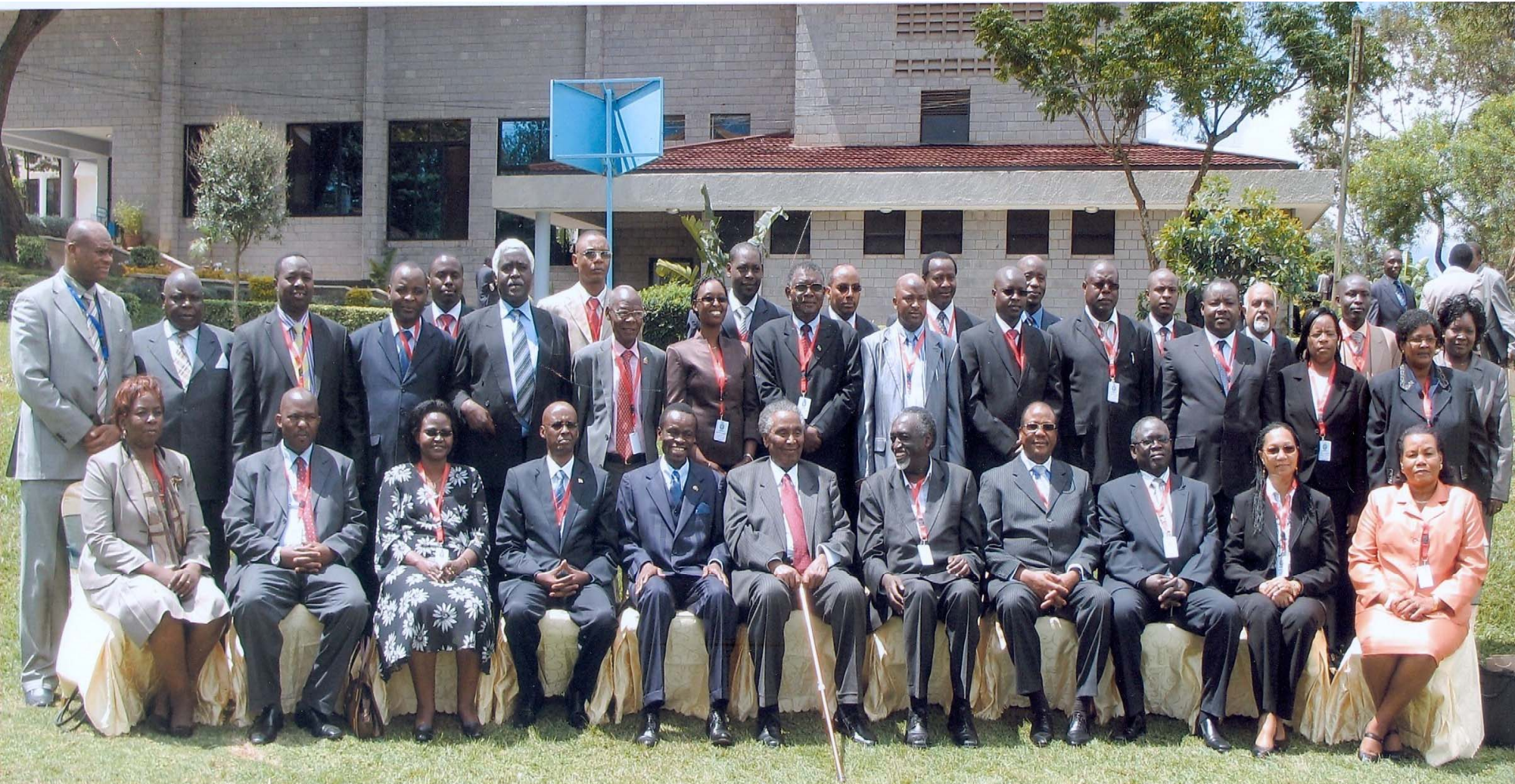
Structure of Presentation

- ▶ Introduction
 - ▶ Good practices from EAAACA member institutions
 - ▶ Challenges
 - ▶ Strategies to overcome the challenges
 - ▶ Conclusion
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Introduction

- ▶ East African Association of Anti-Corruption Authorities (EAAACA) is the umbrella Association of Anti Corruption Institutions of East African Community Countries formed in September 2007, to provide platform for among other things
 - mutual assistance in training, detection, investigation, prosecution and for the exchange of information, intelligence, experiences and good practices aimed at combating corruption in all its manifestations. The member institutions that make up EAAACA are:
- Office of the Ombudsman of Rwanda
- The Special Brigade Anti Corruption of Burundi
- The Prevention and Combating of Corruption Bureau (PCCB) of Tanzania
- Kenya Anti Corruption Authority (KACC) of Kenya
- Inspectorate of Government (IG) of Uganda

File Photo of the heads of EAAACA and other associates



Introduction Contd

- ▶ The formation of EAAACA is a clear indication of the commitment of the Anti Corruption institutions in the East African Community states to fight corruption not only within the State border but on regional and international level.
- ▶ The mandate of each EAAACA member is spelt out in the laws that establish them in their parent states.
- ▶ Special Brigade Anti Corruption of Burundi
 - The mandate is given by law No.1/12 of 18 April 2006 Article 2 paragraph 2 on measures for preventing and combating corruption and related offences as:
 - Combating corruption and other organised crime
 - Investigate acts of corruption and embezzlement
 - Recieve and carry out inquiries on complaints
 - Cooperate with national, foreign and international institutions involved in fighting corruption.

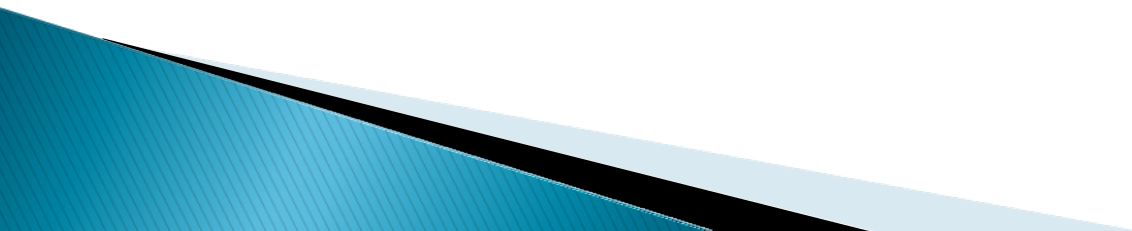
Introduction Contd

- ▶ The Mandate of the Office of Ombudsman of Rwanda is given by the Constitution Article 182 and Article 17 of the law No.25/2003 of 15/08/2003 to be:
 - Prevent and fight corruption in public and private administration.
 - Monitor the implementation of the Leadership Code of Conduct.
 - Act as link between citizens and public/private institutions.
 - Coordinate the National Anti Corruption Council.
- ▶ The Kenya Anti Corruption Commission's (KACC) mandate is spelt out under Section 7 of the Anti Corruption and Economic Crimes Act of 2003.
 - It is to combat and prevent corruption through enforcement of the law,
 - Educating the public and enlisting their support against corruption and
 - Providing preventive services through promotion/development of good practices to seal opportunities and loopholes that facilitate corruption.

Introduction Contd

- ▶ The Inspectorate of Government (IG) Uganda derives its mandate under Article 225 of the constitution which empowers it to:
 - promote and foster adherence to the rule of law and principles of natural justice in administration.
 - Eliminate corruption abuse of authority and of public office.
 - supervise enforcement of the leadership code of conduct.
 - stimulate public awareness about the values of constitutionalism.
 - investigate, arrest and prosecute case of corruption and abuse of public office.
- ▶ The Prevention and Combating of Corruption Bureau (PCCB) of Tanzania has its mandate given by PCCB Act No.11 of 2007
 - to provide promotion and enhancement of good governance and eradication of corruption. The PCCB is only mandated to operate in mainland Tanzania

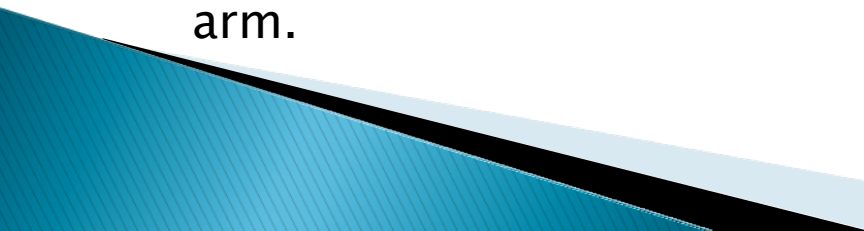
Unique mandates of EAAACA members

- Enforcement of the Leadership Code of Conduct. This mandate is common in both the office of the ombudsman of Rwanda and the Inspectorate of Government of Uganda.
 - The power to arrest, prosecute cases involving corruption, abuse of authority or of public office. This mandate is vested in the Inspectorate of Government of Uganda.
 - Restitutionary powers, the KACC has powers to investigate and determine the extent of liability a culprit of corruption is responsible for causing loss or damage to any public property and it can institute legal proceedings for compensation and restoration of the property both in Kenya and abroad.
 - Mandate to combat electoral corruption is vested in PCCB of Tanzania. The PCCB is mandated to closely follow up on the campaigns and identify those who engage in corruption.
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Unique mandates of EAAACA members

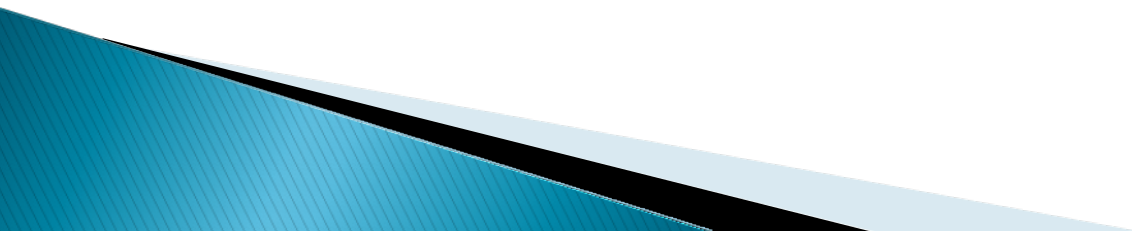
The variation in mandates of the Anti Corruption Institution of the members of EAAACA is dictated by the focus of each state when creating the institution to fight corruption.

However, there is no doubt that all the institutions making up EAAACA are characterised with a three pronged mandate of investigations, prevention and education. It is also evident that these anti corruption institutions are independent of the other branches of government in executing their duties and are only required to make periodical reports to the parliament or an equivalent body, in their home states. This combination of independence and being accountable at the same time, has been possible because the institutions are a creature of the various state constitutions and the appointment of their leadership is done by the executive arm of government subject to approval and confirmation of the legislative arm.



GOOD PRACTICES FROM EAAACA MEMBER INSTITUTIONS

The Anti Corruption Institutions making up EAACA have been applying diverse strategies because they are operating under different political, legal and social regimes. They have been able to develop impressive and succeed in some anti corruption strategies better than others. The successful strategies have become part and parcel of their good practices against corruption. The most notable good practices of the various anti corruption institutions are as follows:



Good Practices

- ▶ All member states have enacted new laws on anti corruption which have introduced the mandatory provisions of the United Nations Convention against Corruption (UNCAC) of 2003. Domesticating the UNCAC provisions into the states laws has expanded the definition and offences of corruption from as few as four in some countries to over ten offences including fraud, misappropriation, conflict of interest etc to mention but a few.
- ▶ The institutions have developed a successful strategy of public education and awareness through development of education materials and other publications to be used in workshops, conferences and other public awareness programmes.
- ▶ The creation of anti corruption clubs in secondary schools and higher institutions of learning have been operationalised and they are involved in different activities like training and sensitising citizens. They act as watchdogs but most importantly, anti corruption morals are imparted in the young generation in anticipation of a corruption-free next generation.

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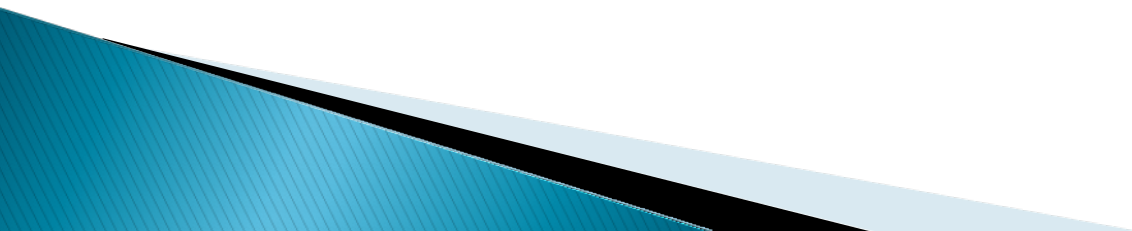
Good practices

- ▶ Some EAC states in order to fight transnational corruption, have designated the anti corruption institutions in their jurisdictions as the competent central authority for purpose of mutual legal assistance across the globe. In Uganda the Inspectorate of Government (IG) has been designated so. In Kenya the process is before Parliament.
- ▶ Inter agency coordination within each member state. In Uganda, there is the Inter-agency Forum; in Rwanda the National Anti Corruption Advisory Council and in Kenya they have the Kenya anti corruption commission Advisory Board composed of representatives from various sectors and interest groups. Inter Agency Coordination is a strategy that brings together all bodies whose mandates have responsibility touching on the fight against corruption, this has brought about better coordination in the fight against corruption amongst the various stakeholders.
- ▶ The EAAACA member states have spearheaded the creation and operation of anti corruption courts which have specialised judges and magistrates deployed to handle exclusively cases of corruption and abuse of public offices. In Uganda, this has turned out to be a strong strategy for it has hastened the conclusion of corruption cases and has dramatically improved the conviction rate for corruption-related cases.

Good practices

- ▶ In Uganda once more, the Anti Corruption Courts have not been left to operate in isolation. The heads of institutions that use these courts have been constituted into the Anti Corruption Court Users Committee, and they hold meetings regularly to discuss and resolve administrative issues that affect dispensation of justice through the court, with a view to improving on service delivery.
- ▶ The EAAACA member states have adopted a coordinated and holistic approach in building coalitions with non-state stakeholders most especially civil society organisations in order to implement anti corruption strategies. These organisations are important because they are strong in the roles of sensitisation and advocacy. In Rwanda the Ombudsman Office is entering direct memorandum of understanding (MOU) with the Civil Society organisations in handling corruption in land disputes etc.
- ▶ The EAAACA member states have enacted other laws for the anti corruption work. We have seen the enactment of the witness protection laws i.e. whistleblower protection, the money laundering laws – these laws are vital in asset recovery, and recovery of proceeds of crime. However, the institutions and working mechanisms are not yet in place. But at least the laws are being put in place. In Uganda and Kenya this is a reality.

Good practices

- ▶ Prosecution of the people who engage in corrupt practices. The IG has successfully utilised this strategy which has produced three key results. First, prosecution has removed corrupt officials from positions where they can abuse public resources. Secondly, stolen public resources can be recovered as proceeds of corruption as a consequence of convictions. Thirdly, the penal sanctions serve as deterrent.
 - ▶ The continuous implementation of the leadership code of conduct that regulates the behaviours of government officials has been a winning strategy namely in Uganda and Rwanda. The declaration of assets followed by the annual verification of the declarations continues to prevent some leaders from appropriating public resources because they are not able to declare the source of their unlawful incomes.
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Challenges

- ▶ **Lack of Political Will** – in most member states, the political will at the top has not cascaded to the lower levels of administration who should be part and parcel of the political will. Serious political commitment from all levels of administration is required to ensure efficient and effective Anti Corruption strategies. Where political will is expressed, it is still lacking in form of provision of human, budgetary and other resources the anti Corruption institutions need to fight corruption.
- ▶ **Limited Resources** – other than PCCB of Tanzania, EAAACA members suffer from insufficient resources to effectively implement the anti corruption mandates. These institutions are rendered inefficient and the current efforts to fight corruption have not delivered the expected result – a corruption-free society.
- ▶ The legal framework has still not granted enough powers to the anti corruption institutions. Many of the EAAACA member institutions lack legal capacity to prosecute corruption cases and powers to make public bodies comply with their recommendations for administrative sanctions that are necessary for effective enforcement of anti corruption laws. Without effective enforcement capacity, the institutions function of prevention of corruption is greatly limited.

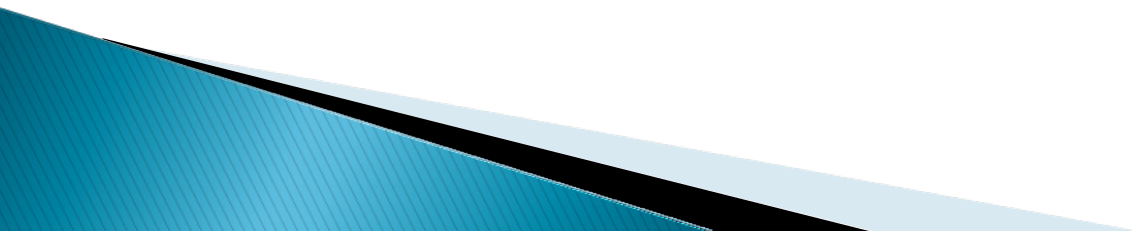
Challenges Contd

- ▶ Though EAAACA member institutions have had many successes achieved through judicial proceedings that aid the fight against corruption, the institutions have been hampered by court decisions, which have tended to favour suspects of corruption who apply for judicial reviews and file constitutional petitions and applications to delay due processes. Courts usually issue interim orders which delay prosecutions, stall investigations in cases of corruption.
- ▶ **Inadequate Human Capacity** – The Anti corruption institutions are still dodged by the low human resource capacities. The staff of most EAAACA member institutions except PCCB of Tanzania is small in comparison to the population they serve. Secondly, the small human resource is not receiving the most appropriate training in view of complexity of some corruption cases and the ever changing corruption techniques.

Strategies to overcome challenges

- ▶ **Capacity Building**
 - There is need to invest more in capacity building in order to improve the quality of personnel, increase the numbers and equipments. There should be continuous training of personnel through domestic and international training programmes.
 - There is also need for more resources for equipments and tools for corruption investigation, prosecution and prevention.
- ▶ **Cooperation with Other Institutions (Inter-Agency Corruption)**
 - There is need for increased and strengthened cooperation at the domestic level among the stakeholders to continuously come up with workable strategies against corruption in all its forms.
- ▶ **International Cooperation**
 - There is also need for continued cooperation and coordination at the international level among anti corruption institutions in investigations, prosecutions, asset tracing and recovery and capacity building.
- ▶ **Improvement of Legal Framework**
 - There is need for the EAAACA member states to expand their mandates, most especially, to grant the anti corruption institutions powers of direct prosecution of corruption cases.

Conclusion

- ▶ The existence of EAACA is an important step towards having effective cooperation amongst the anti corruption institutions and all stakeholders.
 - ▶ However, we still need more Regional, Continental and international cooperation, if we are to successfully combat the evil called corruption.
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Thank You