FIGHTING CORRUPTION IN AFRICA: 
THE CASE FOR AN AFRICAN ASSOCIATION 
OF ANTI-CORRUPTION AUTHORITIES

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**Brief Profile of the Speaker**

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A. **INTRODUCTION**

All the continents of the world problems and challenges of one kind or the other, ranging from social, economic, political, environmental, and many others. However, some of Africa’s problems such as the endemic poverty, corruption and poor governance are unique in the sense that they breed out of wanting leadership. It is ironic that a continent that is the richest in terms of endowment of resources actually trails all the other continents in development. With all its vast array of minerals, precious metals, natural gas, oil reserves, well watered fertile lands, a huge landmass surrounded by waters that provide natural harbours, friendly climates all year round, an abundant highly educated human resource, Africa’s share of the world trade is a pitiful seven percent. The culprit for this state of affairs, as we all know and continue saying day after day, is **bad leadership** and **corruption**. The words of the famous Nigerian author Chinua Achebe still ring true that;

> The trouble with [Africa] is simply and squarely a failure of leadership. There is nothing basically wrong with the [African] character. There is nothing wrong with the [African] land or climate or water or air or anything else. The [African] problem is the unwillingness or inability of its leaders to rise to the responsibility, to the challenges of personal example which are the hallmarks of true leadership.

Corruption has no doubt posed a serious challenge to many countries, but in Africa the consequences have been especially severe. The questions that we must now ask ourselves are these; for how long shall we keep lamenting about Africa’s problems? For how long shall we blame our leaders? When shall we start doing something to remedy the ills that afflict the continent?

My argument is that Africa needs to unite and speak with one voice against the vices that bedevil its people. We must rekindle the Pan Africanist ideals borne and initiated by the “founding fathers” of the continent in the 1960’s,
notably the late President Kwame Nkrumah of Ghana, Julius Nyerere of Tanzania, Kenneth Kaunda of Zambia and Abdel Nasser of Egypt. The dream enshrined in the movement entailed dealing with African challenges on a united front. It was founded on the belief that Africa could only move forward on a platform of unity and harmonization of initiatives to free Africa from the stranglehold of backwardness. In one of his famous speeches which he delivered in 1960 on the topic “Continental Government of Africa”, Kwame Nkrumah had this to say about African unity;

"We have seen, in the example of the United States how the dynamic elements within society understood the need for unity and fought their bitter civil war to maintain the political union that was threatened by the reactionary forces. We have also seen, in the example of the Soviet Union, how the forging of continental unity along with the retention of national sovereignty by the federal states, has achieved a dynamism that has lifted a most backward society into a most powerful unit within a remarkably short space of time. From the examples before us, in Europe and the United States of America, it is therefore patent that we in Africa have the resources, present and potential, for creating the kind of society that we are anxious to build.

Nkrumah’s vision of a united and prosperous Africa was drawn from his observation of the paths other continents, notably Europe, Asia and the Americas had charted for themselves, which resulted in the continents emerging as world leaders in all spheres of human development unlike Africa, despite the match in resources.

B. CORRUPTION, THE BANE OF AFRICA

Africa has for many years gone through a myriad of hardships inflicted on it by other civilisations. During the pre-colonial period, hapless Africans were forcefully taken to far off continents to begin a life of servitude as slaves. Subsequently, for many centuries foreign powers invaded Africa and occupied it whilst exploiting its enormous natural resources. At the end of the Second World War, Africa returned to self-rule and political freedom. However, this did not help alleviate the people’s suffering. Disease, famine,
poverty, conflict and corruption continued to afflict society. Among these challenges, corruption dealt a major blow to the then fledgling African economies by depriving them of the much-needed resources. In a study undertaken in 2002, researchers established that corruption was costing Africa more than 148 billion dollars a year, and increased the cost of goods by as much as 20%, deterring investment and holding back development. Most of the cost was found to fall on and hit the poor and vulnerable in society.

The root causes of corruption vary from place to place depending on the political, social, economic and cultural circumstances. In Africa, some of the identifiable causes of corruption include the negative colonial legacy, poor leadership, politics of the belly, omnipotent state, greed and selfishness, clientelism and patronage nepotism, absence of popular participation of the public in government, weak institutions of governance, lack of accountability and transparency, lack of political will, weak ethical values, centralist nature of the state and concentration of state power, weak judicial system and constant insecurity and conflicts.

Despite the myriad factors that contribute to or cause corruption, in the case of Africa, the deep seated governance problem seems to explain why the continent is viewed as very corrupt. At independence most African states, and by extension leaders, preoccupied themselves with ‘politics of survival’ using military coups or other means to consolidate power through de-jure or de-facto one party states which guaranteed them security of tenure but which they also used to propagate their so called development agenda for the nation. This only worked to perpetuate neo-colonialism, exploitation of the people and resentment of any dissenting voices. Nepotism, ethnicity, race and other factors became key considerations in the allocation and application of national resources. Individuals in high offices in both the public and private sector used their power and influence to amass wealth to the detriment of the common person. This coupled with insensitive donor
programmes, created and sustained bad governance, entrenched corruption and impunity and increased poverty levels.

Generally, regardless of ideological persuasion, from the post independence era to date, Africa has produced few States capable of creating enabling environment for economic development. The states are not only guilty of unproductive interventions in the economy but also for retarded economic development through parasitic and corrupt activities that discouraged and made business success dependent on political connection. This led to the structural adjustment programmes (SAPs) of the 1980s geared towards restoring economic growth, restructuring the political-economic patronage system of the post colonial era, pursuing economic and political reforms and improving infrastructure.

While the effects of SAPs on the poor and vulnerable remain controversial to date, they contributed to expansion of democratic space, increased agitation for transparency and accountability from government, reforms of key governance institutions and improved service delivery. The challenge to the full realization the benefits of democratic governance remain weak systems and lack of political will among Africa leaders. Therefore effects of corruption and bad governance are far reaching.

C. EMERGENT TRENDS IN CORRUPTION: THE CASE FOR AFRICAN COOPERATION IN FIGHTING THE VICE

With enhanced crime detection and eradication efforts and strategies throughout the world, crime also tends to evolve and adjust so as to defeat the mechanisms adopted in fighting it. The criminal is always one step ahead of the crime buster. This phenomenon holds very true in the field of anti-corruption. The emergent trends and characteristics of corruption, especially in Africa require and justify the reason why countries must fight the vice on a united front. Africa should not harbour “safe havens” where corrupt individuals can perpetuate their criminal actions and/or enjoy the fruits thereof in the knowledge or assumption that the systems, institutions
and laws are either non-existent or weak to guarantee that they will escape justice. The following are some of the key reasons why fighting corruption on a platform of unity can yield long term results for the continent;-

(i) **Complexity and Secrecy of Corrupt Transactions**

As the world registers phenomenal growth in technological advancement, the crime of corruption has also grown in complexity. Nowadays it very often forms part and parcel of other organized and serious crimes. It entangles and intertwines with cases of smuggling, trading in counterfeit, tax evasion, trade in narcotics and such other serious organized crimes. With the rise of "globalization" and the "knowledge-based economy" due to the advance of information technology, criminals round the world are now able to plan and execute a wide range of illicit activities through the internet or other means of mobile communication facilities. Criminals are able to execute complex criminal transactions that are also shrouded in secrecy. Money moves electronically from one jurisdiction to another in a matter of seconds. Investigations to unravel such dealings can take years, by which time the trail of evidence has been erased or “cleaned” by the culprits. With cooperation, such tactics can be nipped in the bud through timely interventions by the states affected. However, such cooperation can only be effectively carried out on a platform with set guidelines. Therefore, an association of authorities can be a good starting point on which to mould the cooperation platform.

(ii) **Cross Border Aspect of Corruption**

Many corrupt activities have transformed into cross-border crimes. Criminals are also able to escape justice by speedily moving around different places, taking advantage of the convenience of rapid modern-day travel. In the face of the challenge of hi-tech and internationalized corrupt activities, how to tackle cross-border crimes has become an important issue of common concern amongst law enforcement agencies worldwide.
International cooperation in combating corruption and organized crime becomes critical in this aspect.

(iii) Role of ICT in Abetting Crime

The pace of technology improvements, especially in the information and telecommunication technology, vastly outstrips the abilities of law enforcement to keep pace in terms of analyzing how criminals might exploit new technologies and how law enforcement might employ novel technologies in their investigations of organized crime. Criminals have found ways to employ technology to commit traditional forms of crime in enhanced or novel ways. ICT has globalized corruption through the transfer of illicit gains. The anonymity associated with ICT increases the difficulty of decoding encrypted messages. It provides safe, secure and rapid communication. It assists in document fraud.

There is, however, a shortage of trained personnel in law enforcement with information technology knowledge. The capabilities of law enforcement to investigate and conduct organized crime cases that involve a technology element vary widely across borders. When states cooperate in such investigations, their capabilities are pooled together which speeds up the life of an investigation. An association can lay down the modalities of such cooperation.

(iv) Entanglement of the Body Politic in Corruption

Nowadays, it is hard to divorce the political elite from high level corruption. Corruption has been one of the various ways through which political parties are funded. This scenario makes it very difficult for the bodies charged with combating corruption to eradicate it, either through “state capture” of the institutions whereby they become conformists; and where they seek to assert their independence they are threatened with denial of resources and even disbandment. When anti-corruption bodies work together, they shall be
standing on a stronger footing to resist and/or ward off such manoeuvres by the politicians.

(v) **Disparate Anti-Corruption Legal Frameworks in African Countries**

The legal frameworks within which different the anti-corruption bodies of Africa operate are not similar. African states are not in the same wavelength in terms of anti-corruption efforts and commitment. It is therefore necessary for such bodies to create a forum or platform where they can periodically assess each other’s environments and identify weaknesses and loopholes. An association would be a very ideal mechanism for accomplishing this objective.

(vi) **Disparate Institutional Capacities**

Likewise, the anti-corruption bodies have varying strengths in terms of institutional capacity. It becomes necessary for them to seek assistance when a matter they have to handle is beyond their capacity or capability. In Africa, it is exceptionally important for the anti-graft bodies to assist each in crime investigation, owing to the prevalent lack of talent in various technical and professional fields. The anti-corruption bodies can consider establishing a common pool or reservoir of experts on various fields who would be called upon to assist on a case by case basis by the authorities. This kind of arrangement is best operationalized in a formal association arrangement.

(vii) **Success of Cooperation in other Jurisdictions**

Other continents and regions have successfully formed associations which have in one way or another improved their working environment. This shows that forming associations is the way to go. Key anti-graft associations bringing countries together in the fight against corruption include;

- The International Association of Anti-Corruption Authorities (IAACA), headquartered in China, was officially established in 2006. It has
spearheaded efforts towards international cooperation against corruption.

- The East African Association of the Anti-Corruption Authorities (EAAACA) has since its inception in September 2007 bound the anti-graft associations of the five East African countries in a working relationship based on mutual cooperation.

- The East African Community has developed a protocol on preventing and combating corruption which is presently awaiting adoption by the member states. This will provide a platform for countries in the East African region to fight corruption on a united front.

- The Southern African Development Community (SADC) Protocol Against Corruption brings together the countries in the Southern African region in fighting corruption through strengthening mechanisms needed to prevent, detect and eradicate corruption; facilitating and regulating cooperation among state members to ensure effectiveness of anti-corruption measures; and fostering development and harmonization of anti-corruption policies and legislation in the member states.

- The Economic Community of West African States (ECOWAS) ECOWAS, an association of countries in the West African region also has a Protocol on the Fight against Corruption whose objective is to strengthen effective anti-corruption mechanisms through cooperation among the member states. It obligates its members to put in place an array of anti-corruption measures and requires them to harmonize their national anti-corruption legislation.

The reason why countries have mobilized to fight corruption is because corruption respects no borders, knows no economic distinctions and tends to affect all government bodies. No country can afford the social, political and economic costs that corruption entails. As such, the fight against corruption has moved to the top of the regional and international political agenda. Africa should not be left behind in this important development.
The African Union Convention on Prevention and Combating Corruption (AUPCC) of 2005 should provide a platform on which African Anti-Corruption Authorities forge a united front in the fight against corruption.

D. MECHANISMS FOR COOPERATION IN FIGHTING CORRUPTION

The creation of an association of African anti-corruption authorities should not be interpreted to mean that the individual institutions set up in the various countries cease to have their identity or impetus. There are numerous ways or mechanisms through which the envisaged cooperation can be realized. Some of these strategies include the following:-

(a) Law Enforcement Cooperation

Many high profile cases of corruption involve a cross-border element; either where the suspects have absconded or they have transferred their ill-gotten gains to places outside the territory. It is imperative for law enforcement agencies to provide each other with assistance and information in relation to fugitive offenders and stashed assets, as well as assist in the recovery and repatriation of the offenders and such assets. Africa can have its own version of Interpol which can work within the framework of the association of anti-corruption bodies.

(b) Experience & Information Sharing

As efforts to combat corruption increase, so does the need for information exchange and cooperation among the growing number of organizations involved in anti-corruption work. It is vital for the anti-corruption bodies of Africa to exchange information and ideas about the fight against corruption, evaluate existing strategies and develop new approaches.
(c) **Staff Training**

Currently, training of staff to implement anti-corruption work is not coordinated in Africa. Countries tend to replicate each other’s training programmes. Very often, trainers sourced from overseas move from country to country replicating the same programmes for staff in each country. This can be done in a more organized manner if Africa could unite. There can be joint institutions where staff can attend rotation and programmes streamlined. Through exchanges in staff training, the countries can successfully establish an international liaison network which can further the unity objective.

(d) **Joint Operations**

Anti-graft bodies can establish legal parameters on which joint investigations teams can be appointed in matters of cross border crime. Such an arrangement can be very helpful in cases such as tax evasion and smuggling across borders. A joint operation would not only speedily finalize the case but would also help in dismantling the criminal network involved.

(e) **Establishment of Specialized Cooperation Units**

The anti-graft bodies can also set up specialist units to cater for the demand in of international cooperation and information exchange. Such units would maintain effective operational liaison with other anti-corruption agencies worldwide and share with them relevant experiences. Where necessary they could also coordinate investigative operations and assist in the apprehension of suspects. They would also be charged with convening regular meetings with the liaison persons of other anti-graft agencies.

(f) **Joint Secretariat**

An association would, as a matter of course, have a joint secretariat. Such a secretariat can be headquartered in any one country identified by ballot, or can rotate periodically among the countries. The countries involved can enact a Convention to establish the association or parties can work within the framework of a constitution. The Association can be started by those
countries that are willing, while membership remains open for those countries who warm up to the idea with time.

E. BENEFITS OF AFRICA UNITY IN FIGHTING CORRUPTION

There is a lot to gain in forming an association of law enforcement agencies, especially those charged with fighting corruption. Some of the benefits that Africa stands to benefit by mobilising in the war against corruption include;

**Synergy:** When two or more agents or forces cooperatively interact or combine their efforts, the effect is greater than the sum of their individual effects.

**Harmony:** Cooperation ensures that efforts towards the same goal are not duplicated.

**Speed:** The investigation of complex cases of corruption, especially those involving cross border transactions would be expedited through cooperation mechanisms.

**Deterrence:** Cooperation in law enforcement increases the certainty of detection and punishment of offenders, which is a key deterrent to potential offenders.

**Conflict Resolution:** Many studies undertaken on corruption have always drawn a link between corruption and conflict, especially in Africa. Effectively combating corruption could be a crucial step towards establishing permanent peace in the Continent.

F. CONCLUSION

I conclude by quoting the words of Kwame Nkrumah on the potential for African unity, spoken in a speech he gave in 1960 when he said;-:

> The survival of free Africa, the extending independence of this continent, and the development towards that bright future on which our hopes and endeavors are pinned, depend upon political unity. Under a major political union of Africa there could emerge a United
Africa, great and powerful, in which the territorial boudoirs which are the relics of colonialism will become obsolete and superfluous, working for the complete and total mobilization of the economic planning organization under a unified political direction. The forces that unite us are far greater than the difficulties that divide us at present, and our goal must be the establishment of Africa's dignity, progress and prosperity."

I firmly believe that it is the right time for the African community to devote its efforts in the exploration of new strategies to strengthen mutual cooperation in the fight against corruption and other cross-border organized crimes. It is the time to come together under an umbrella of Association of Anti-Corruption Authorities of Africa. As we do this, the words of Kwame Nkrumah that “we face neither East nor West; we face forward” should be our guiding principle.

Thank you