



**BE PART OF THE FIGHT!**

# **Annual Report 2014-2015**



## ACC Top Management

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**Mr Paulus K Noa**  
Director-General



**Adv Erna L van der Merwe**  
Deputy Director-General

## Foreword by the Director-General



*Paulus K Naa  
Director-General*

I am pleased to account to the public on the activities of ACC during the financial year 2014/2015. The ACC carried out its activities as mandated by the Anti-Corruption Act, 2003 (Act No. 8 of 2003).

During this period, the ACC conducted many public awareness activities on the dangers and impact of corruption on the economy and the society. Workshops and seminars on prevention of corruption were also undertaken with the objective to instil values of ethics among members of society, particularly public officials. These are people who are entrusted to render services to the public and also to handle public resources for the benefit of the public.

Our officials from the Directorate of Public Education and Corruption Prevention visited different places in all fourteen regions of Namibia. The ACC with full recognition that the youth are the future of our country designed Youth Outreach Programmes to educate the youth on what corruption is and the corrosive effect of corruption to their future. The aim was also to promote ethical values and foster integrity among the youth.

Schools were also visited in many different regions. The period under review marked the launching of the Anti-Corruption Education Manual for Teachers. The purpose of the manual is to enable the teachers to better teach anti-corruption topics in Life Skills subjects. A workshop was also held for Regional School Counsellors to help them to better understand the contents of the Manual and also to, in return train the Life Skills teachers in their respective regions. A National Anti-Corruption School Debating Championship was held in Mariental, Hardap Region. During the occasion learners from other regions participated and show-cased their intellectual understanding of the consequences of corruption to the economy and development.

The private sector and the community in general were also the target of the ACC during anti-corruption awareness campaign activities. Seminars and workshops were held in order to provide platforms to participants from different sectors to interact and share ideas with officials of the ACC on how they can support the efforts of the ACC to prevent corruption. The ACC's anti-corruption campaigns have reached strategic areas in the regions through the billboards that are placed at strategic public places. The NBC Radio services were also used to reach citizens in remote areas to make them aware about corruption, the causes and consequences of corruption. In order to equip the officials with new skills, trainings were held for them in relevant field of their responsibilities.

With regard to investigation which is one of the mandates of the ACC, many reports on the allegations of corruption were received. Many of the allegations were investigated and where evidence was found to support the allegations, the ACC submitted the findings with recommendation to the office of the Prosecutor-General as required by the law. In a good number of these cases, the Prosecutor-General has already taken a decision to either prosecute or decline the prosecution, depending on the weight and nature of available evidence.

Complaints received or initiated by the ACC range from allegations of bribery, favouritism, nepotism in recruitment, abuse of office for gratification, fraud, tax evasion, favouritism in respect of awarding of tenders, embezzlement of public funds, and inside trading. The list is not exhaustive. There are also instances when allegations are utterly unfounded. The ACC spent time and resources to investigate the allegations before it concludes that there is substance in the allegations or not. There are also many other complaints which the ACC after investigation refers to relevant authorities for appropriate administrative action.

The ACC continues to fulfil its regional and international obligations by consulting, co-operating and exchanging information with appropriate international bodies or authorities. Officials of the ACC attended information sharing meetings organized by the Southern African Forum Against Corruption (SAFAC), Commonwealth Secretariat and the United Nations Office on Drugs and Crime (UNODC). At these meetings, the ACC shared with the participants the progress Namibia has made in the implementation of the regional and international conventions or protocols against corruption. The ACC also commemorated the International Anti-Corruption Day on the 9th December 2014. The 9th December has been declared by the United Nations General Assembly as an International Anti-Corruption Day. This was done with a view to recognize that corruption is a transnational phenomenon that affects all societies and therefore the prevention and eradication of corruption is the responsibility of all States Parties. All States Parties must cooperate with one another with the support and involvement of individuals and groups outside the public sector.

Corruption deprives countries most needed resources, hampers efforts to alleviate poverty and create employment opportunities. Corruption further destroys opportunities for investment. Thus, political commitment is paramount to the prevention and fight against corruption. There is no better investment than investment in corruption prevention. Corruption prevention strengthens democracy and good governance. With good governance the system of governance becomes transparent, accountable, responsive, efficient and effective, rule of law-based, equitable and inclusive.

Fighting corruption demands concerted efforts by all sectors of society. It is not the business of government alone nor is it the responsibility of law enforcement agencies only. There is no one size fits all approach in prevention and fight against corruption. It is a complex phenomenon found in all institutions. The better strategy is to build and consolidate national integrity system that holds public and private institutions responsible to carry out specified activities to curb corruption. For this reason, the ACC has developed a National Anti-Corruption Strategy. The strategy binds all stakeholders together in their quest to make Namibia a corrupt-free nation. Integrity Committees will be established within all government offices, ministries and agencies to serve as focal points in instilling ethical values and prevent malfeasances and corruption.

Namibia has recorded positive progress in many aspects of governance. We must jealously guard and preserve the achievements we have made thus far. At the same time, we must remind ourselves that our national dream of becoming an industrialized nation will only be realized if we declare fighting corruption as one of the top national priorities.

Corruption is our common enemy, therefore we must confront it head-on,



**Paulus K Noa**  
Director-General

## ACC Profile

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### Vision

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To be a world class Anti-Corruption Commission

### Mission

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To fight corruption in Namibia through effective law enforcement and preventative measures in a professional manner for the good of society

### Core Values

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Integrity

Accountability

Courage

Transparency

Excellence

Fidelity to the law

Fairness and impartiality

## Structure: Anti-Corruption Commission

Director-General: Anti-Corruption Commission  
Deputy Director-General: Anti-Corruption Commission

**SECTION INTERNAL AUDIT**  
3 x Internal Auditor



**DEPARTMENT PUBLIC EDUCATION, CORRUPTION PREVENTION AND INVESTIGATION**  
1 x Deputy Permanent Secretary



**DIRECTORATE INVESTIGATION AND PROSECUTION**

1 x Chief: Investigation and Prosecution

**DIVISION REPORT CENTRE**

3 x Senior Investigating Officer  
3 x Investigating Officer

**DIVISION INVESTIGATION**

3 x Chief Investigating Officer  
7 x Senior Investigating Officer  
2 x Investigating Officer

**DIVISION NORTHERN REGION**

1 x Chief Investigating Officer  
1 x Senior Investigating Officer  
2 x Investigating Officer

**DIVISION WESTERN REGION**

1 x Chief Investigating Officer  
1 x Senior Investigating Officer  
2 x Investigating Officer

**DIVISION CENTRAL NORTHERN REGION**

1 x Chief Investigating Officer  
1 x Senior Investigating Officer  
2 x Investigating Officer



**DIRECTORATE PUBLIC EDUCATION AND CORRUPTION PREVENTION**

1 x Chief: Public Education and Corruption Prevention Officer  
2 x Chief Public Education and Corruption Prevention Officer  
2 x Senior Public Education and Corruption Prevention Officer  
4 x Public Education and Corruption Prevention Officer

**DIVISION NORTHERN REGION**

1 x Chief Public Education and Corruption Prevention Officer  
1 x Senior Public Education and Corruption Prevention Officer  
2 x Public Education and Corruption Prevention Officer

**DIVISION WESTERN REGION**

1 x Chief Public Education and Corruption Prevention Officer  
1 x Senior Public Education and Corruption Prevention Officer  
2 x Public Education and Corruption Prevention Officer

**DIVISION CENTRAL NORTHERN REGION**

1 x Chief Public Education and Corruption Prevention Officer  
1 x Senior Public Education and Corruption Prevention Officer  
2 x Public Education and Corruption Prevention Officer

**DIVISION ADMINISTRATION**  
(see next page)

## DEPARTMENT PUBLIC EDUCATION, CORRUPTION PREVENTION AND INVESTIGATION (see previous page)

**DIRECTORATE INVESTIGATION AND PROSECUTION**  
(see previous page)



### DIVISION ADMINISTRATION

1 x Deputy Director: Administration

**DIRECTORATE PUBLIC EDUCATION AND CORRUPTION PREVENTION**  
(see previous page)

**SECTION PUBLIC RELATIONS**  
1 x Chief Public Relations Officer

**SECTION HUMAN RESOURCE MANAGEMENT**  
1 x Senior Human Resource Practitioner

**SECTION INFORMATION TECHNOLOGY**  
1 x System Administrator  
1 x Computer Technician

**SECTION SERVICES SUPPORT**  
1 x Personal Assistant  
3 x Senior Private Secretary  
2 x Private Secretary

**SECTION FINANCE**  
1 x Senior Accountant  
1 x Accountant  
2 x Accountant  
1 x Assistant Administrative Officer

**SECTION CENTRAL NORTHERN REGION**  
1 x Assistant Administrative Officer  
1 x Cleaner

**SECTION AUXILIARY SERVICES**  
1 x Control Administrative Officer  
1 x Chief Administrative Officer  
2 x Senior Administrative Officer  
1 x Assistant Administrative Officer  
1 x Driver  
1 x Artisan Handyman  
2 x Cleaners  
1 x Labourer

**SECTION WESTERN REGION**  
1 x Assistant Administrative Officer  
1 x Cleaner

**SECTION NORTHERN REGION**  
1 x Assistant Administrative Officer  
1 x Cleaner

**SUBSECTION HUMAN RESOURCE ADMINISTRATION**  
1 x Human Resource Practitioner  
1 x Assistant Administrative Officer

**SUBSECTION HUMAN RESOURCE DEVELOPMENT**  
1 x Learning and Development Officer

## Background

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### The Commission

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The Anti-Corruption Commission (ACC) is established by the Anti-Corruption Act, 2003 (Act No. 8 of 2003) as an independent and impartial body. The ACC is headed by a Director-General who is assisted in the execution of control over the ACC by a Deputy Director-General. The Director-General and Deputy Director-General are appointed by the National Assembly upon nomination by the President. They are appointed on a full-time basis for five years and may be reappointed upon expiry of their term.

In addition to the Office of the Director-General and Deputy Director-General, the ACC is organised into the following directorates and division:

- Directorate Investigation and Prosecution
- Directorate Public Education and Corruption Prevention
- Division Administration

### Mandate and statutory functions

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The ACC is mandated to combat and prevent corruption through law enforcement, educating the public and enlisting their support against corruption, and providing advisory services.

In terms of the Anti-Corruption Act, 2003, the ACC has the following core functions:

- Investigation function  
The ACC investigates matters that in its opinion raise suspicion that the following has occurred or is about to occur:
  - Conduct constituting corruption; or
  - Conduct prone or conducive to corruption.
- Education function  
The ACC educates the public on corruption and enlist their support in combating corruption in Namibia.
- Prevention function  
The ACC examines practices, systems and procedures of public and private bodies to facilitate the discovery of corrupt practices and to secure the revision of practices, systems and procedures that may be prone or conducive to corrupt practices.

### Constitutional Anti-Corruption Measures

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The Government confirmed its commitment to root out corruption by amending the Namibian Constitution to provide for anti-corruption measures. The amendment came into effect on 7 May 2010.

# Directorate Public Education and Corruption Prevention

## 1. Introduction

The Directorate Public Education and Corruption Prevention (PECP) is mandated to perform the following core responsibilities:

- Educating the public on the dangers and evil of corruption
- Examining systems, practices and procedures to identify weaknesses and shortcomings that are prone to corruption and advising on the changes to be effected thereto in order to prevent the occurrence of corruption
- Designing projects and conducting surveys to assess the public opinion and perception on corruption as well making recommendations on how to better prevent corruption.

## 2. Structure of the Directorate

The Directorate of PECP is represented in the regions since January 2011 and comprises of the positions as indicated in the table below.

CATEGORY	NUMBER OF POSITIONS	DUTY STATION
Chief: Public Education and Corruption Prevention	1	Windhoek (1)
Chief Public Education and Corruption Prevention Officer	5	Windhoek (2) Oshakati (1) Otjivarongo (1) Swakopmund(1)
Senior Public Education and Corruption Prevention Officer	4	Windhoek (1) Oshakati (1) Otjivarongo (1) Swakopmund(1)
Public Education and Corruption Prevention Officer	9	Windhoek (3) Oshakati (2) Otjivarongo (2) Swakopmund (2)

*The number of staff members in the Directorate PECP currently stands at nineteen as opposed to seven in the previous financial year.*

## 3. Main Activities

The Directorate endeavours to perform its core responsibilities in a professional, efficient and effective way. Activities for the 2014/15 financial year were guided by an Annual Plan in order to achieve the strategic goals as set out in the ACC Strategic Plan.

## 3.1 Public Education

Various public education programmes based on identified priority target groups were developed to coordinate the efforts of Head Office and the Regional Offices. Within these programmes various tools and methods were employed to disseminate information and educate the public;

### 3.1.1 Youth Outreach Programme

Activities within the Youth Outreach Programme were designed to educate the youth on corruption, but most importantly also to instil ethical values, foster integrity and develop skills for moral reasoning.

### 3.1.2 School Visits

The aim of the school visits programme is to instil a culture of honesty among the school going youth and enlist their support in the fight against corruption.

The ACC conducted school visits to both Primary and Secondary schools in the following regions: Oshana, Omusati, Oshikoto, Otjozondjupa, Kavango, Erongo and Khomas region. A total of nine-thousand eight hundred and twenty (9820) learners including teachers were sensitised through this exercise. The majority of these learners and teachers were in the Otjozondjupa region.

### 3.1.3 Launching of the Anti-Corruption Educational Teachers Manual

The Anti-Corruption Education Manual for Teachers was launched by the former Minister of Education, Dr David Namwandi. The Anti-Corruption Educational Teachers Manual was developed in the previous financial year and will enable teachers to teach anti-corruption topics in Life Skills from grade five to ten. A National workshop for Regional School Counsellors on the Anti-Corruption Education Manual for Teachers was conducted in June 2014. The Regional School Counsellors, who are the custodians of the Life Skills subject, will train Life Skills teachers in their respective regions and will assist the ACC with the implementation of the Manual in the schools.



*Learners at Elifas Goseb Primary School in Usakos pictured during the seminar held at their school by ACC*



*From left, NIED Director Dr Hertha Pomuti, ACC Director-General Mr Paulus Noa, Education Minister Dr David Namwandi and ACC Deputy Director-General Adv Erna van der Merwe*

### 3.1.4 Youth Groups

Targeting already organised youth groups is a way to benefit more from the available financial and human resources of the ACC. It is also an effective way to reach out of school youth and sensitize them on issues concerning corruption such as the effects of corruption on the economy of Namibia. Groups that were educated are amongst others Rundu Youth Against Corruption, Kavango Youth Against Corruption and UNAM northern campus students, Namcol students visiting Swakopmund, and the Swakopmund Youth Forum members. The Oshakati Office also conducted a workshop for 57 members of the Oshana Regional Youth with Disabilities Forum.



*ACC Director-General Paulus Naa in the centre, pictured with participants at the National Anti-Corruption School Debating Championship at Mariental*

### 3.1.5 School Career Fairs

School career fairs are platforms created by the Ministry of Education to enlighten school going youth on career possibilities they can choose from upon completing their education. These fairs present an excellent opportunity for the ACC to reach out to a number of young people and sensitise them on the dangerous effects of corruption.

The ACC participated in the school career fairs held in the northern part of Namibia, where ACC officials interacted with over 558 learners from various schools in Oshana and Oshana region, respectively.

### 3.1.6 National Anti-Corruption School Debating Championship

The ACC in collaboration with the National Debating Association (NDA) hosted the National Anti-Corruption School Debating Championship. Thirteen regional teams participated in the final of the National ACC School Debating Championship in Mariental in the Hardap region. The overall winner was the Oshana Region by followed the Erongo Region.

### 3.1.7 Community Outreach Programmes

#### 3.1.7.1 Expos / Trade Fairs

Trade fairs, expos and shows provide the opportunity to improve the awareness on the existence of the ACC as well as enhancing the image of the ACC. Furthermore it is also an environment to interact with the public. The Trade Fairs, Expo's and Show Societies present an excellent opportunity for the ACC to interact with members of the public, educate them and enlist their support in the fight against corruption and gather information on their knowledge of the ACC and corruption. This information assists the ACC in developing tailor-made programmes and materials for specific target groups.

In the financial year under review the ACC participated in a number of trade fairs, shows and expos amongst others, Karibib Trade Fair and Okahandja Trade Fair both in May, Opuwo Trade Fair (May), Zambezi (August), Ongwediva Trade Fair (August), Keetmanshoop Trade Fair (September), Okakarara (September), Windhoek Agricultural and Industrial Show and the Swakopmund International Trade Expo (October).

### 3.1.7.2 Targeted Organised Community Groups

Workshops, seminars and presentations/briefings were also conducted for specific targeted groups such as the one conducted by the Oshakati Office at the Oniipa Rehabilitation Centre for the staff and people with disabilities visiting the centre.

### 3.1.8 Public Official Programme

The programme designed for educating public officials focuses mainly on direct contact via seminars, workshops and presentations/briefings. Before conducting a workshop or a seminar, the ACC officials arrange a consultative meeting with a representative of the target groups to determine their needs, the content, duration and the appropriate mode in which to conduct a seminar.

The ACC through its four offices conducted close to 20 seminars, workshops and/or presentations/briefings for public officials during the 2014/15 financial year. Approximately 1200 public officials from a range of government offices, ministries and agencies have been sensitised through this exercise. Regional Councils and Traditional Authorities are also targeted within the Public Official Programme. As an important regional role player cooperation between these institutions can add to efforts to prevent corruption.

### 3.1.9 Private Sector Programme

The ACC continues to consult with the private institutions and educate them on the dangerous effects of corruption and way to prevent it and to adhere to corporate governance. Seminars and workshops in the private sector are effective tools for the ACC to built partnerships with them to combat corruption and strengthen the capacity of private institution to eradicate corruption in their operating environment.



*Members of the Senior Officials at the Oamites Military base pictured with the ACC officer who conducted the seminar on corruption for them on the 17th July 2014.*



*New recruits for the Immigration Division in the Ministry of Home Affairs during a seminar conducted by the ACC.*



*Staff members of the Swakopmund Municipality pictured during the seminar on corruption*

The ACC conducted a number seminars and workshops for private sector in regions such as Khomas, Erongo, Otjozondjupa and Oshana. Staff and/or representatives of the following entities attended workshops and presentations arranged by the ACC; Namibia Airports Company, the Namibian Uranium Association, the Namibia Chamber of Commerce and Industry (NCCI) Swakopmund, Swakop Uranium, Rössing Uranium Limited, Navachab, various private educational institutions, Namibia Wildlife Resorts and Namibia Coast Conservation and Management.

Management and other staff members of Grootfontein Municipality, Rundu Town Council, Arandis Town Council and Swakopmund Municipality are amongst those who attended ACC seminars and presentations on the corrupt practises that may occur at local authority levels.

### **3.1.10 Faith Based Organisation Programme**

The objectives of the Faith Based Organisation Programme are to -

- solicit the support of these organisations to strengthen ethical values in the community;
- encourage them to always speak out in public against dishonesty, unfairness and other forms of unethical conduct

During the financial year under review, the Otjiwarongo and Oshakati Offices conducted seminars for the Otjiwarongo Church Leaders Committee and the Roman Catholic Church Leaders respectively. The Oshakati meeting took place in September 2014 and the Otjiwarongo Church Leaders meeting took place in April 2014.

### **3.1.11 Media Campaign Programmes**

The mass media is an effective medium to reach vast numbers of the public via radio and television. The ACC embarked on various media campaign programmes with the aim to -

- reach even more citizens with its anti-corruption messages and foster their support and participation in reporting corruption;
- raise awareness on the existence and mandate of the Anti-Corruption Commission; and
- improve the image of the Anti-Corruption Commission.

#### **3.1.11.1 Radio Talk Shows and Interviews**

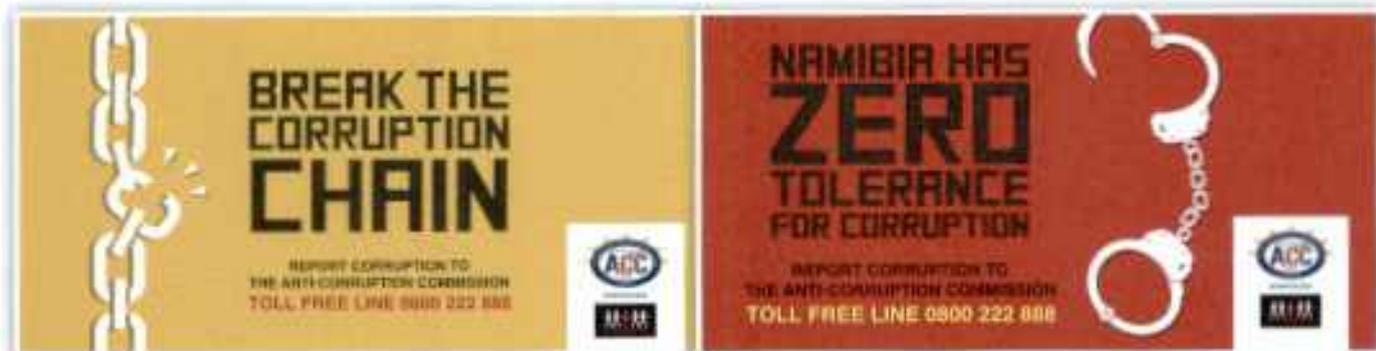
The ACC entered into an agreement with the Namibia Broadcasting Corporation (NBC) for ongoing radio programmes on the various NBC Radio Services.

As a part of the programme monthly radio interviews were conducted to educate the public on various topics regarding corruption. The programmes also gave an opportunity to the public to call in and pose questions or give feedback.

During the period under review, 20 Radio interviews were conducted through the following NBC Radio Services such as the National Radio, Oshiwambo, Afrikaans, Otjiherero and Damara>Nama. In addition, customized adverts dealing with corruption in different areas, such as education, health, election, law were produced and translated and broadcasted in different language services on national radio and some commercial radio services.

#### **3.1.11.2 Billboards and Adverts**

In an effort to ensure that Namibia's Zero Tolerance for Corruption policy statement is clearly communicated, the ACC placed wall mounted boards with the message that "Namibia has



Zero Tolerance for Corruption”at the reception areas of the Custom and Excise as well as Immigration Offices at the six main border posts of Namibia. The same message was also placed at three airports namely, Hosea Kutako International Airport, Walvis Bay Airport and Eros Airport.

### 3.2 Improvement of Systems, Practices and Policies to prevent Corruption

During the financial year under review the Commission intensified its efforts to train Public Education and Corruption Officers on the topic of corruption prevention. The following training were scheduled and attended:

#### 3.2.1 Water Integrity Training

In collaboration with Waternet, two staff members from the Directorate of Public Education and Corruption Prevention attended a fully sponsored training on water integrity in Pretoria, South Africa in June 2014. The aim of the training was to engage Anti-Corruption Agencies in Southern Africa in the fight against corruption in the water sector.

#### 3.2.2 International Association of Anti-Corruption Authorities (IAACA) 2014

Three representatives from the ACC attended the second seminar of IAACA which took place in Beijing, China from 15 to 17 July 2014. The objective was to share information pertaining to prevention of corruption. Representatives from participating countries gave input on the ways in which the public is educated on corruption.

#### 3.2.3 Corruption Prevention Training

Two staff members from the Directorate of Public Education and Corruption Prevention attended the training on Public Education and Corruption Prevention at the Commonwealth Africa Anti-Corruption Centre in Gaborone, Botswana. The training was sponsored by the Commonwealth Secretariat and aimed at equipping officials from the Anti-Corruption agencies with corruption prevention tools and awareness raising techniques. Several Commonwealth countries participated in the training.

#### 3.2.4 Integrity Management Training

An Integrity Management Training Workshop for Corruption Prevention was also held in February 2015. The one week training workshop was attended by all of the staff members in the Directorate of PECP. The interactive training introduced the staff to the Integrity Management Toolbox and the application of the content to initiate, implement and monitor the integrity change process. The process guides institutions to identify integrity risks and to select integrity instruments to address

the identified risks thereafter an integrity-approved business model is developed. The workshop was facilitated by a representative of CEWAS, which is an international organisation based in Switzerland.

In partnership with the Desert Research Foundation, selected staff members co-facilitated the Integrity Management workshops for Oshakati and Oshikuku Town Councils in March 2015. This follow-up training equipped and has prepared officials to conduct Integrity Management with less support from CEWAS.



*Depicted above are the ACC staff members that attended the weeklong Integrity Management Training held at the ACC Headquarters.*

### 3.3 Assessment and Enhancement of the Public Opinion of the ACC

The opinion and perception of the public on government institutions in a democratic society remains important. The assessment of the public perception and opinion of the ACC provides valuable data that influences and guides the activities of the ACC in achieving its objectives, even more so for purposes of the enhancement of the image of the ACC.

#### 3.3.1 Commemoration of the International Anti-Corruption Day

In collaboration with the Hanns Seidel Foundation and the IPPR, the ACC joined the rest of the world in commemorating the International Anti-Corruption Day on 9 December 2014.

The United Nations' International Anti-Corruption Day is observed annually on 9 December to raise awareness of corruption and ways to fight it. The day calls for political leaders, government, legal bodies and lobby groups to work together to curb corruption by promoting the day and the issues that surround this event.



*Advocate El van der Merwe ACC Deputy Director-General pictured with some of the invited guests at the Commemoration of the International Anti-Corruption Day on 9 December 2014*

This is a highlight on the calendar of the ACC and is also celebrated in all the regions. The main commemoration event took place at the Hilton Hotel in Windhoek and was attended by amongst others, high ranking government officials, members of the foreign missions in Namibia, and senior officials from State-owned enterprises. The day was commemorated under the theme "Break the Corruption Chain".

The ACC Otjiwarongo Office also held commemoration activities which commenced with a March Against Corruption in Otjiwarongo. A large number of inhabitants of the Otjozondjupa region participated in the said event, resulting in improved awareness on corruption in the region.

Other regional offices also strengthened ties with the inhabitants of their respective regions by putting up stands at public venues. Staff engaged with the public by asking questions to test the general knowledge of the public on the operations of the ACC, handing out information brochures and answering questions on the ACC.

All commemoration events were preceded by announcements thereof via electronic and print media.

#### 4. Successes and Challenges

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The Directorate PECP has made notable strides in successfully executing its activities. One remarkable adjustment was to not only focus on the education activities but also on corruption prevention activities. In addition, the substantial increase in the human resources capacity of the Directorate PECP had a positive impact on the Directorate's productivity.

However there are still challenges that the Directorate needs to overcome. Amongst them are with regard to the lack of skills and knowledge especially in the area of corruption prevention.

# Directorate of Investigation and Prosecution

## Overview

The Directorate of Investigation and Prosecution currently consists of the Chief of Investigation and Prosecution assisted by 19 Investigating Officers. The ratio to the population of Namibia is roughly 1: 105263 (One Investigator per 105263 members of the public). The Directorate has three regional offices namely Oshana, Otjozondjupa and Erongo. Currently the Oshana Office has two Investigating Officers, Otjozondjupa three Investigating Officers and Erongo two Investigating Officers.

## Cases received by office

Cases and their subsequent reporting method for the period 1 April 2014 to 31 March 2015 are illustrated below. The respective offices received totals as indicated in Table 1 for the financial year in question, namely ACC Headquarters received a total of 313 reports of corrupt practices, Erongo Regional Office 38 reports, Otjozondjupa Regional Office 41 reports and Oshana Regional Office 35 reports. The Erongo and Otjozondjupa Regional Offices experienced an increase in cases reported for the corresponding period of the previous financial year as indicated in Table 2 below:

TABLE 1

	2014				2015				
	ACC Headquarters Namibia	ACC Erongo Regional Office	ACC Oshana Regional Office	ACC Otjozondjupa Regional Office	ACC Headquarters Namibia	ACC Erongo Regional Office	ACC Oshana Regional Office	ACC Otjozondjupa Regional Office	
FC Intelligence report	4	0	0	0	1	0	0	0	5
Own accord	4	1	0	0	1	1	0	4	11
Unknown	0	0	0	0	0	2	0	0	2
In writing	69	10	10	4	23	0	1	1	118
Facebook	1	0	0	0	0	0	0	0	1
Email/Fax	8	0	0	0	3	0	0	0	11
Fax	11	2	1	1	1	0	0	1	17
SMS	2	0	0	0	1	0	0	0	3
In writing/in Person	8	0	1	0	5	1	0	0	14
Newspaper	7	0	0	0	0	0	0	0	7
E-mail	22	4	0	0	8	0	0	0	34
In person	76	11	12	13	23	4	5	5	149
In writing/Fax	7	0	0	0	0	0	0	0	7
Mail	5	0	0	0	0	0	0	0	5
Hotline	1	0	0	0	0	0	0	0	1
Telephone	17	1	5	8	5	1	0	4	41
<b>Total</b>	<b>242</b>	<b>29</b>	<b>29</b>	<b>26</b>	<b>71</b>	<b>9</b>	<b>6</b>	<b>15</b>	<b>427</b>

**TABLE 2**

	2013			2014				
	ACC Headquarters Namibia	ACC Erongo Regional Office	ACC Oshana Regional Office	ACC Headquarters Namibia	ACC Erongo Regional Office	ACC Oshana Regional Office	ACC Otjozondjupa Regional Office	
FIC Intelligence report	0	0	0	0	0	0	0	0
Own accord	2	0	0	0	0	0	0	2
Unknown	0	0	0	0	0	0	0	0
In writing	64	4	15	31	1	5	0	120
Facebook	0	0	0	0	0	0	0	0
Email/Fax	13	1	0	9	0	0	0	23
Fax	22	1	4	7	0	2	0	41
SMS	0	0	0	2	0	0	0	2
Null	0	0	0	0	0	0	0	0
In writing/In Person	7	0	0	4	0	0	0	11
Newspaper	4	0	0	0	0	0	0	4
E-mail	23	1	0	8	0	0	0	32
In person	74	12	20	25	10	5	2	140
Inwriting/Fax	2	0	0	2	0	0	0	4
Mail	2	0	0	2	0	1	0	5
Hotline	31	3	1	7	0	0	0	44
Telephone	17	1	5	5	1	0	4	41
<b>Total</b>	<b>349</b>	<b>22</b>	<b>42</b>	<b>97</b>	<b>11</b>	<b>13</b>	<b>3</b>	<b>417</b>

## Reporting method

As is evident from Table 3 below, the preferred method of reporting for the period concerned was reporting in person, followed by submitting complaints and information in writing and reporting via telephone.

**TABLE 3**

	2014				2015				
	ACC Headquarters Namibia	ACC Erongo Regional Office	ACC Oshana Regional Office	ACC Otjozondjupa Regional Office	ACC Headquarters Namibia	ACC Erongo Regional Office	ACC Oshana Regional Office	ACC Otjozondjupa Regional Office	
FIC Intelligence report	4	0	0	0	1	0	0	0	5
Own accord	4	1	0	0	1	1	0	4	11
Unknown	0	0	0	0	0	2	0	0	2
In writing	69	10	10	4	25	0	1	1	110
Facebook	1	0	0	0	0	0	0	0	1
Email/Fax	8	0	0	0	3	0	0	0	11
Fax	13	2	1	1	1	0	0	1	17
SMS	2	0	0	0	1	0	0	0	3
Null	0	0	0	0	0	0	1	0	1
In writing/In Person	8	0	1	0	5	1	0	0	14
Newspaper	7	0	0	0	0	0	0	0	7
E-mail	22	4	0	0	8	0	0	0	34
In person	76	11	12	13	23	4	1	5	149
Inwriting/Fax	7	0	0	0	0	0	0	0	7
Mail	5	0	0	0	0	0	0	0	5
Hotline	1	0	0	0	0	0	0	0	1
Telephone	17	1	5	8	5	1	0	4	41
<b>Total</b>	<b>242</b>	<b>23</b>	<b>29</b>	<b>26</b>	<b>71</b>	<b>9</b>	<b>6</b>	<b>15</b>	<b>427</b>

Chart 1 below depicts the distribution of cases received for the financial year 2014/15 by their current status. It includes data from the previous financial year to indicate areas of increase or decrease.

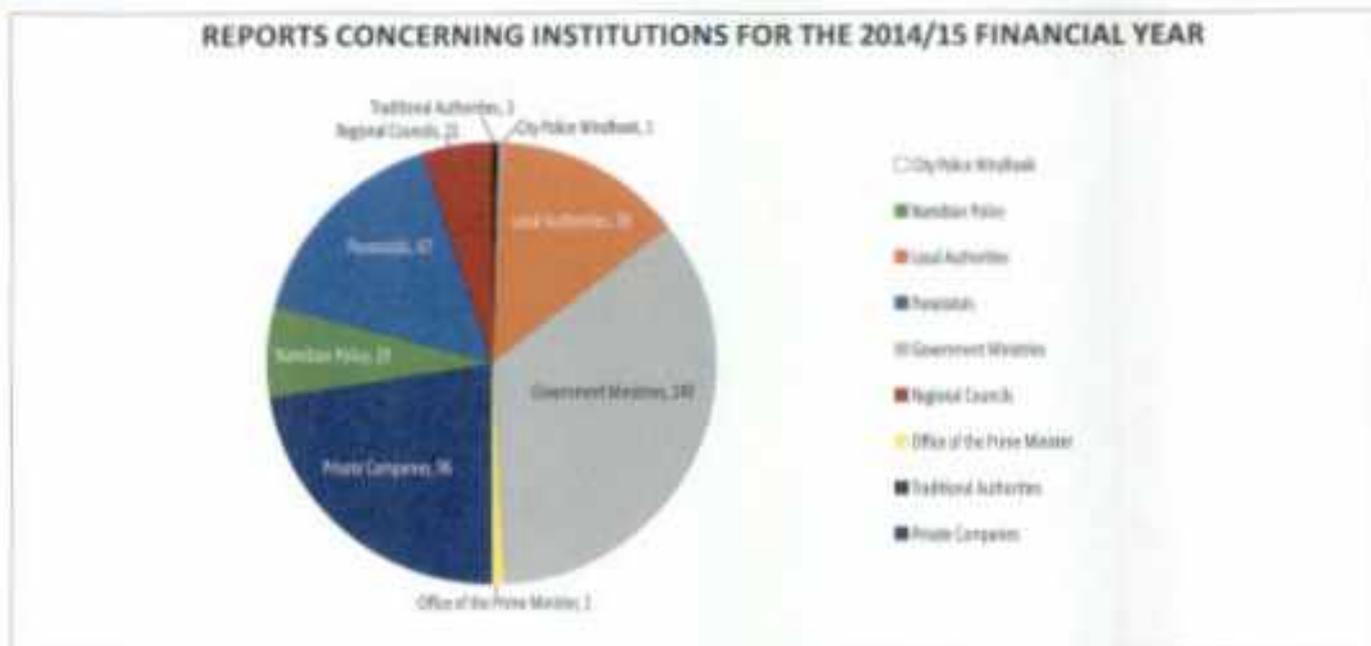
**CHART 1**



## Overall number of reports lodged at the ACC in respect of the different institutions

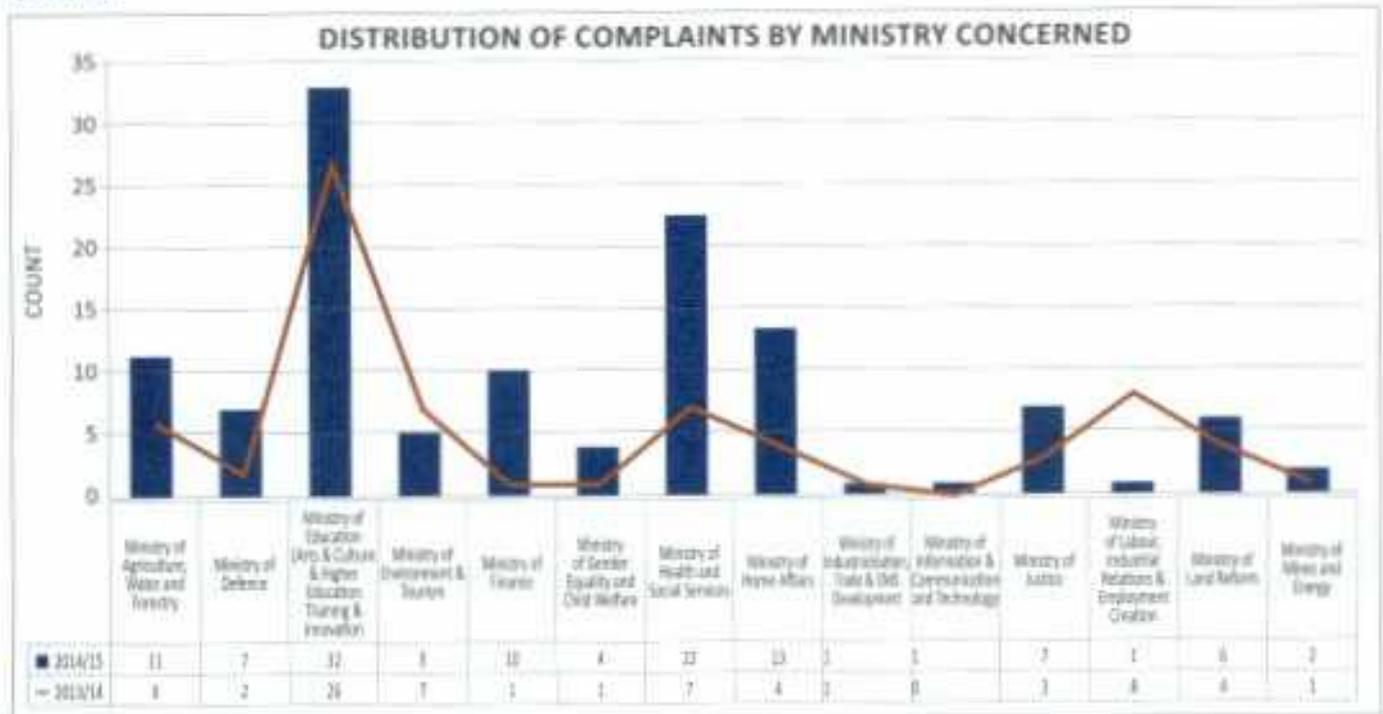
The next number of charts (Charts 2-6) deal with the overall number of cases received and further breakdown in respect of the institutions concerned.

**CHART 2**



## Distribution of reports of corrupt practices as per ministries concerned

CHART 3



## Reports of corrupt practices as per Local Authorities

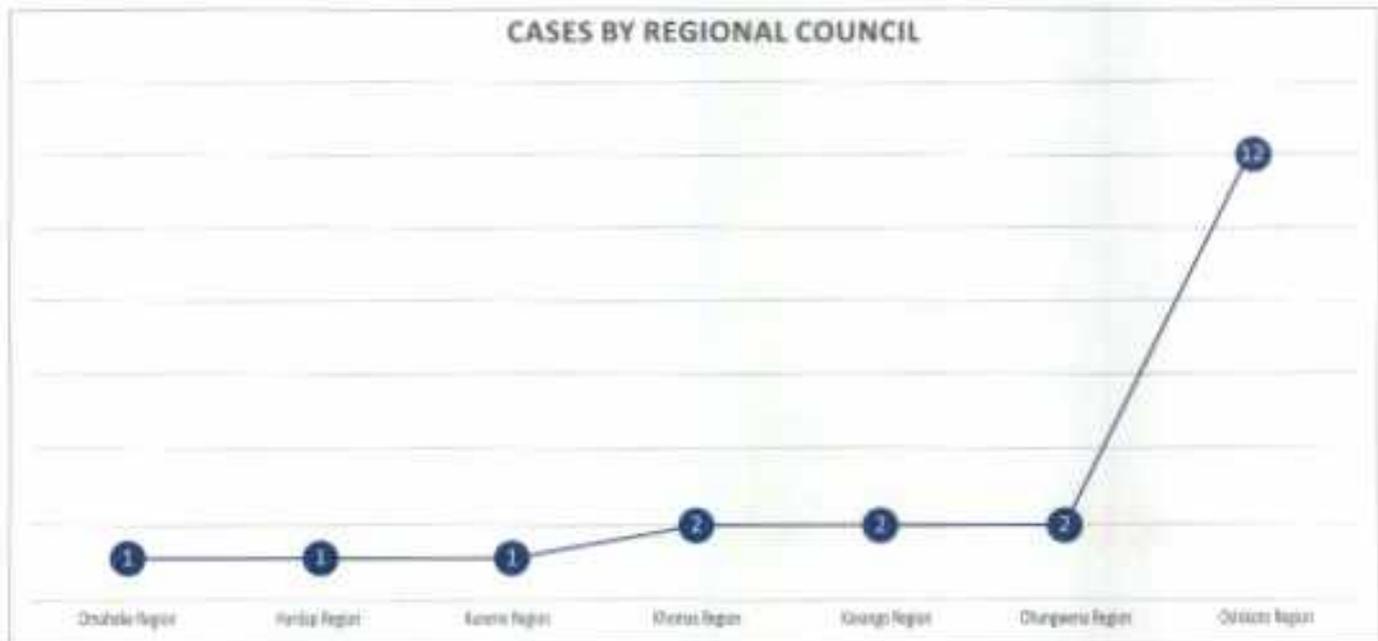
CHART 4



## Reports of corrupt practices as per Regional Councils

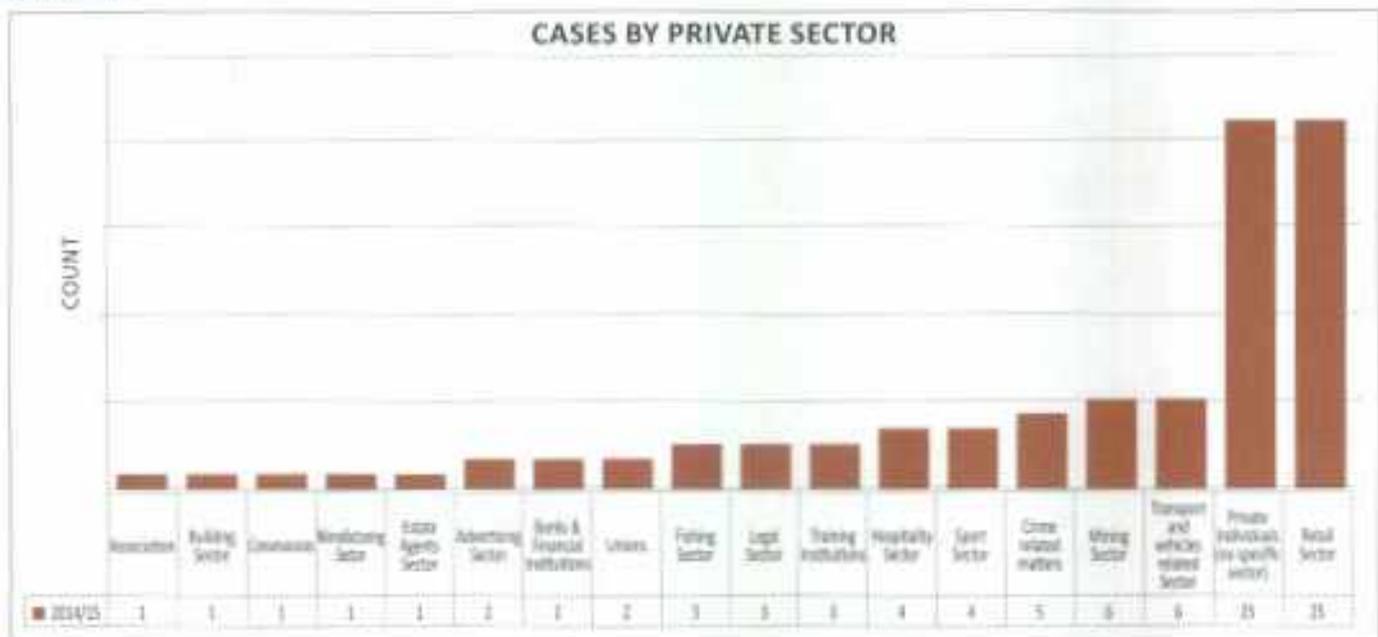
In this chart it is obvious that a larger number of reports were received in respect of the Oshikoto Regional Council.

CHART 5



## Reports of corrupt practices as per Private Sector Entities

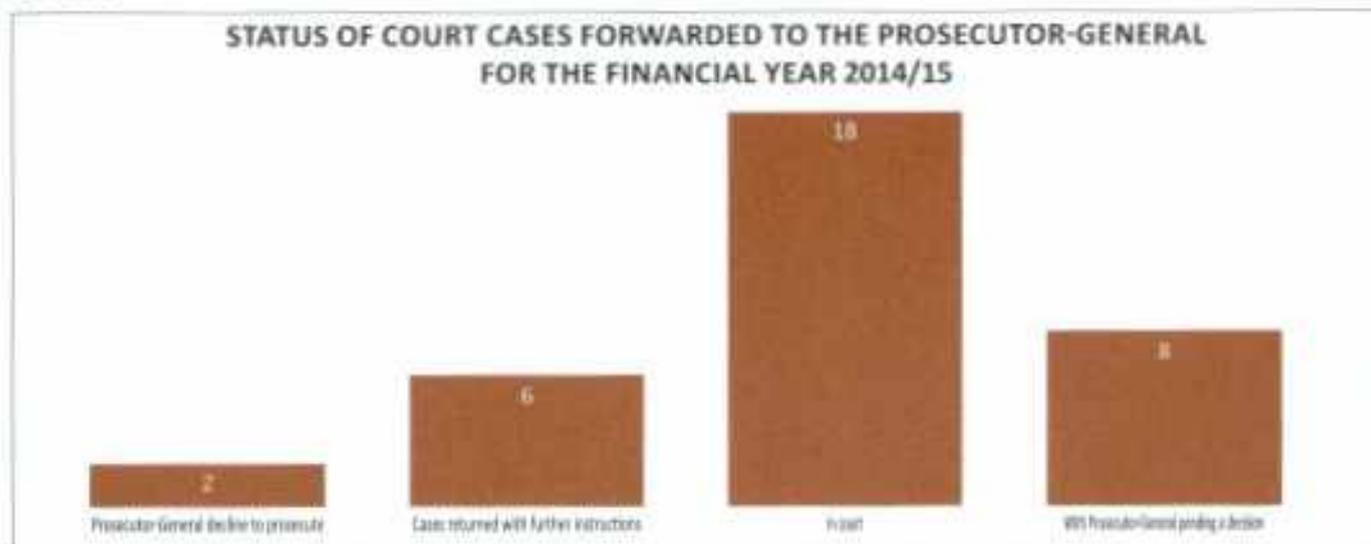
CHART 6



## Cases forwarded to the Prosecutor-General during the financial year 2014/15

The Directorate forwarded a total of 34 cases to the Office of the Prosecutor-General. The current status of those cases are illustrated in Chart 7 below.

CHART 7



## Notable cases referred to the Prosecutor-General during the financial year 2014/15

In Table 4 below refers to some notable cases referred to the office of the Prosecutor-General for the year in question.

TABLE 4

No	ACC REFERENCE	DETAILS	SUSPECT'S POSITION	INSTITUTION CONCERNED	VALUE OR POTENTIAL VALUE
1.	ACC OSH 14-000999	An accused in a Police case allegedly attempted to bribe a Police Official to sell to him a case docket for an amount of N\$ 1000-00. He was subsequently arrested in a sting operation.	Teacher	Ministry of Education	N\$ 1,000.00
2.	ACC HQO 13-000863 (THREE CASES)	Alleged corruption and fraud between supplier and employees of Ministry of Sport, Youth and National Service. Fictitious invoices were created and payments made without goods being delivered.	Businessmen, Officials of Ministry of Sport, Youth and National Service	Ministry of Sport, Youth and National Service	N\$ 1,054,639.55

No	ACC REFERENCE	DETAILS	SUSPECT'S POSITION	INSTITUTION CONCERNED	VALUE OR POTENTIAL VALUE
3.	ACC HQO 11-000035	Alleged corruption by employees of the Ministry of Education who intercepted and cashed cheques of other employees and misappropriated the cash.	Adult Literacy Promoters	Ministry of Education	N\$ 27,625-71
4.	ACC HQO 14-0000972	Alleged corruption in that a transport contractor allegedly bribed an employee of the Ministry of Finance (Receiver of Revenue) to assist in removing and selling a company's file to avoid paying taxes.	Control Taxation Official	Ministry of Finance	N\$ 220,000-00 (Assessment of N\$ 2,6 million)
5.	ACC ERO 13-000567	Alleged corruption in that an Angolan National paid an amount of N\$ 490-00 to an immigration officer to extend his visa in Namibia.	Immigration Official	Ministry of Home Affairs and Immigration	N\$ 490-00
6.	ACC ERO 14-000975	Alleged corruption in that family members of an accused in a Police case approached a witness in the case and offered a bribe of N\$ 50,000-00 in exchange for the witness changing testimony.	Private individuals	Private individuals	N\$ 50,000-00
7.	ACC HQO 13-000804	Allegations of corruption in respect of bribes being paid to officials of the Hardap Regional Council for awarding work to a company.	Administrative Officials	Hardap Regional Council	N\$ 245,000-00
8.	ACC HQO 14-001045	Allegations of corruption levelled against the CEO of Namibia Airports Company in respect of a tender for an Integrated Security Management system at Airports.	Chief Executive Officer	Namibia Airports Company	N\$ 6,585,740-65
9.	ACC ERO 13-000815	Allegations of corruption in that an employee of a mining company was allegedly soliciting bribes from persons in order to organize employment for them at a mine.	Machine Operator	Private Company	N\$ 1,120-00 per person

No	ACC REFERENCE	DETAILS	SUSPECT'S POSITION	INSTITUTION CONCERNED	VALUE OR POTENTIAL VALUE
10.	ACC HQO 13-000952	Allegations of corruption in that a Police reservist and a taxi driver allegedly solicited an amount of N\$ 50 000 from a Zimbabwean citizen who was arrested in order to release him from custody.	Taxi driver, Police Reservist	Namibian Police, Private Taxi Driver	N\$ 50,000-00
11.	ACC HQO 14-000978	Alleged corruption in respect of the awarding of a tender at UNAM for the construction of facilities at Neudamm Campus.	Vice Chancellor and Manager	University of Namibia	N\$ 16,229,232-55
12.	ACC HQO 14-000991	Alleged corruption in that a criminal syndicate consisting of agents and Natis Examiners were selling and issuing licences against payment without testing the applicants.	Natis Examiners, Private individuals	Roads Authority, Natis	-
13.	ACC HQO 13-000875	Alleged corruption in respect of a temporary teacher who continued to receive and utilize a salary paid to him for three years after his employment was terminated.	Temporary Teacher	Ministry of Education	N\$ 255,144-75
14.	ACC HQO 11-000333	Allegations of corruption in respect of the alleged creation of false documentation to process a payment of N\$ 100 000 to a private company without the service being delivered.	Zambezi Regional Council, Private Company	Zambezi Regional Council	N\$ 100,000-00
15.	ACC HQO 14-001098	Allegations of corruption in that a debt manager of the City of Windhoek ordered the creation of a false document to assist a private person in obtaining a loan to settle arrears at the City of Windhoek.	Debt Manager, Private person	City of Windhoek	-
16.	ACC HQO 14-001259	Allegations of corruption in that a cleaner at the Ministry of Home Affairs solicited bribes from members of the public in order to organize employment at the Ministry.	Cleaner	Ministry of Home Affairs and Immigration	N\$ 1,000 per person

No	ACC REFERENCE	DETAILS	SUSPECT'S POSITION	INSTITUTION CONCERNED	VALUE OR POTENTIAL VALUE
17.	ACC ERO 14-001354	Allegations of corruption in that a branch organizer of a Union solicited a bribe in order to convince workers to accept the terms of a private company's management.	Branch Organizer	Union	N\$ 7,000-00
18.	ACC ERO 13-000603	Allegations of corruption in respect of unauthorized payments made by officials of the Omaruru Municipality to a private company whilst the services wasn't delivered.	Chief Executive Officer, Private Individual	Omaruru Municipality, Private Individual	N\$ 962,247-50
19.	ACC OSH 14-001190	Allegations of corruption in respect of payments made to a private contractor for work not done and based on a false invoice.	Private individual	Private Company and Oshikoto Regional Council	N\$ 193,182-42
20.	ACC HQO 14-001171	Allegations of corruption in that a member of the Military Police obtained a payment from a person who was paying for damages to a NDF vehicle and then allegedly misappropriated the cash.	Soldier, Military Police	Namibian Defence Force	N\$ 26,735.17
21.	ACC HQO 14-001263	Alleged corruption in respect of a member of the Traffic Law Enforcement Division of the Namibian Police who solicited a bribe from a motorist in order not to issue certain fines. The said law enforcement member was subsequently arrested after a sting operation.	Traffic Officer	Namibian Police	N\$ 3,000-00
22.	ACC HQO 11-000222	Alleged corruption in that payments for goods were processed and paid by a chief clerk in the Ministry of Agriculture, Water and Forestry without the goods being supplied by the supplier.	Chief Clerk, Private person	Ministry of Agriculture, Water and Forestry Private Business Entity	N\$ 51,118-21

No	ACC REFERENCE	DETAILS	SUSPECT'S POSITION	INSTITUTION CONCERNED	VALUE OR POTENTIAL VALUE
23.	ACC HQO 13-000584	Alleged corruption in that a deputy director of the Ministry of Agriculture, Water and Forestry corruptly held an interest in a contract awarded to her own company by the Ministry of Agriculture, Water and Forestry.	Deputy Director	Ministry of Agriculture, Water and Forestry Private Business Entity	N\$ 2,959,440.50

**APPROXIMATE VALUE OR POTENTIAL VALUE**  
**N\$ 29,023,717-01**

## Cases submitted to Prosecutor-General by institution concerned

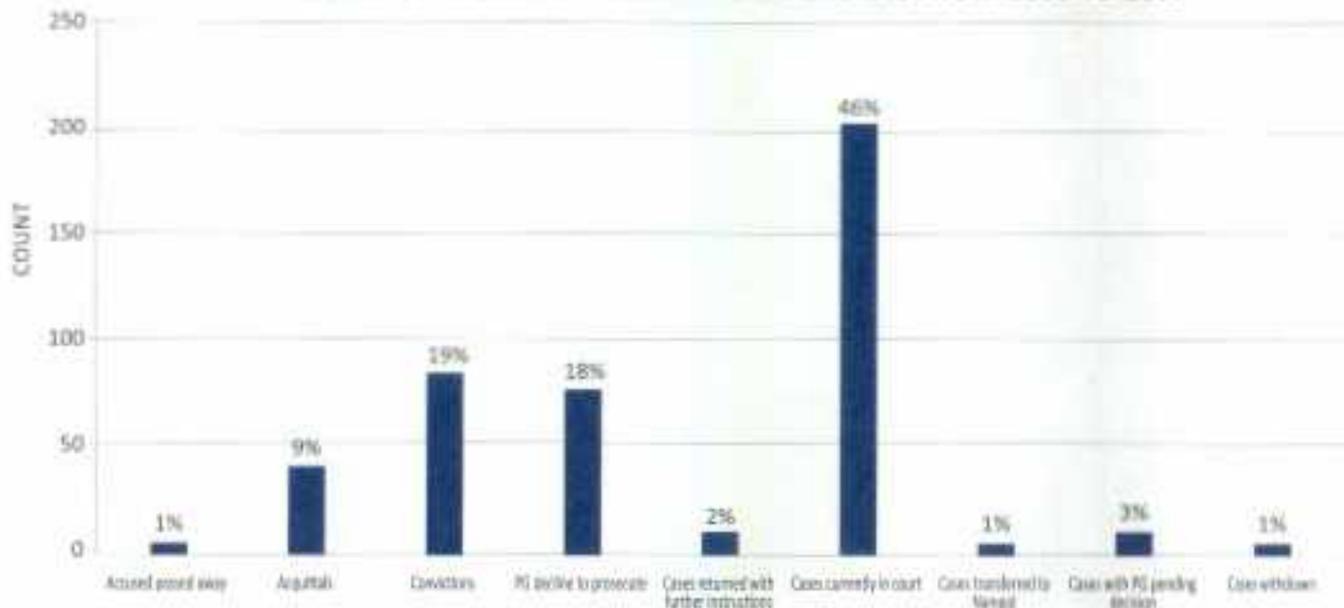
CHART 8



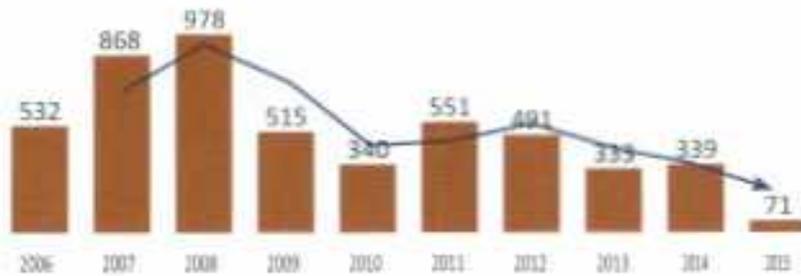
**Outcome of cases forwarded to Prosecutor-General as from the 2006/07 to the 2014/15 financial year**

**CHART 9**

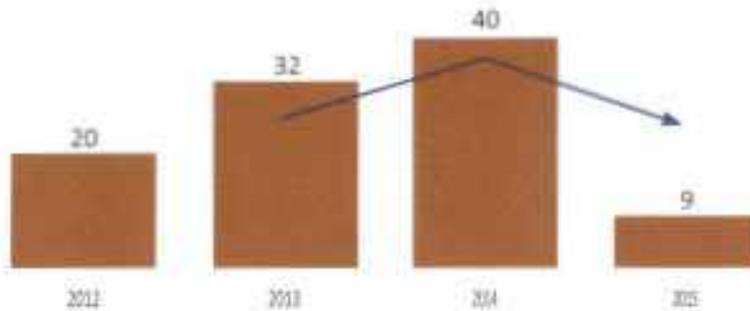
**OUTCOME OF CASES TO PROSECUTOR-GENERAL FROM 2006 TO 2015**



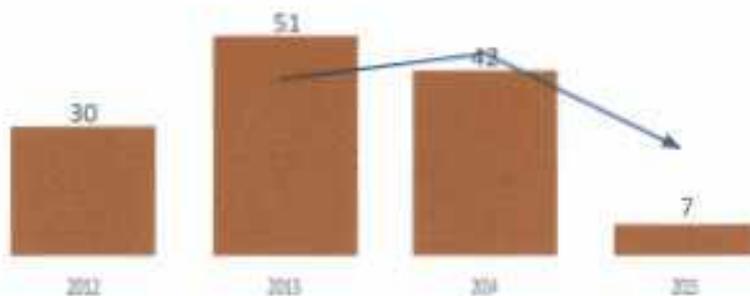
## CASES TOTALS FOR ACC HEADQUARTERS BY YEAR



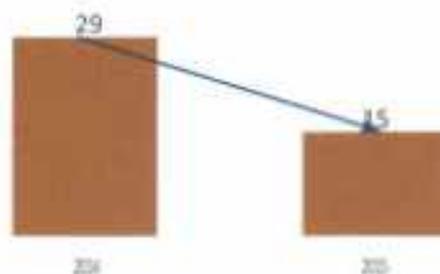
## CASES TOTALS FOR ERONGO REGIONAL OFFICE BY YEAR



## CASES TOTALS FOR OSHANA REGIONAL OFFICE BY YEAR



## CASES TOTALS FOR OTJOZONDJUPA REGIONAL OFFICE BY YEAR



## Handling of all cases received by the Anti-Corruption Commission since its inception

**TABLE 5**

	Anti-Corruption Commission HQ										Erongo Regional Office				Oshana Regional Office				Otjozondjupa Regional Office		
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2012	2013	2014	2015	2012	2013	2014	2015	2014	2015	
	532	868	978	515	340	551	491	333	339	71	20	32	40	9	30	51	42	7	29	15	
New Report														1							1
Pending OP Recommendation																		1			1
Pending NACC Director General Decision			1				1	3	4					3				1	6	19	
Approved for investigation/ Preliminary Invest										1											1
Ongoing Investigation		7	12	6	7	13	22	33	61	25	2	5	11	1	1	4	3	3	6	2	215
Pending PG Decision					2	1	1	3	3			2									12
In Court	4	17	34	16	26	21	28	8	3		5	2	2		1	2	1				170
Closed	21	43	79	35	39	60	12	1	1						1						292
Closed - without investigation	199	282	307	230	102	209	149	163	155	28	10	11	18	3	15	28	17	2	14	5	2,041
Closed - Referred without Feedback	171	293	296	129	64	109	69	57	36	10	1	6	4		3	5	5		2	1	1,241
Pending - Referred with Feedback								1	22	12			1	1			5		2	1	45
Closed - Unsubstantiated	39	120	122	64	60	80	82	51	38		1	3	4		6	10	5		2		687
Closed - Unfounded	94	100	114	34	30	38	19	10	14			2			2	2	4		3		466
Closed - Prosecution Declined	4	5	21	10	8	14	13	2			1	1			1						80
Forwarded to Director-General for further decision																	1				1
Further instructions from PG		1	1	1	1	3	1	2													10
Pending Arrest - Obtain Summons			1		1	3		2	3								1				11
<b>Site Total</b>	<b>532</b>	<b>868</b>	<b>978</b>	<b>515</b>	<b>340</b>	<b>551</b>	<b>491</b>	<b>333</b>	<b>339</b>	<b>71</b>	<b>20</b>	<b>32</b>	<b>40</b>	<b>9</b>	<b>30</b>	<b>51</b>	<b>42</b>	<b>7</b>	<b>29</b>	<b>15</b>	<b>5,239</b>

## Cases where recommendations were made to institutions

The Table below illustrate some of the recommendations made by the ACC to Institutions in respect of practices prone to corruption.

**TABLE 6**

NO	INSTITUTION CONCERNED	AREA IDENTIFIED	DETAILS OF RECOMMENDATION
1.	Ministry of Health and Social Services	Illegal and unauthorised lodging in the Nurses Home.	Recommendations made to the Ministry as to administrative action to be taken as well as recommendations for induction and orientation training for occupants and staff to understand the relevant rules of the "Home Owners Scheme for Staff Members".
2.	Ministry of Finance & Ministry of Industrialisation, Trade & SME Development	Fraud and tax evasion by entities using forged "Sole Proprietor/Defensive Name Registration" Certificates.	Recommendations made as to the wording on the said Certificates, common features pointed out to flag forgeries and recommendations made to link the Supplier Registration System in Ministry of Finance with the Receiver of Inland Revenue to ensure that suppliers who are evading taxes are identified.
3.	Ministry of Works and Transport	Corruption and fraud in respect of "Annual Works Maintenance Tenders".	Recommendations as to the compilation of a universal set of rules and guidelines for the administration of the Annual Works Maintenance Tender, recommendations made as to the rules on subcontracting or the prohibition of subcontracting, recommendations as to payments to main contractors only, recommendations as to the frequent auditing of allocation of work to ensure fairness to all contractors and recommendations as to the blacklisting of contractors involved in substandard work or fraud.
4.	Afrox Namibia	Conflict of interest/ possible corruption by Afox employees and subcontractors.	Investigation conducted, findings communicated and recommendations as to administrative/disciplinary action made.
5.	Roads Authority	Terms of allocating supplementary contract/work in respect of existing contractors wasn't clear and is prone to corruption.	Recommendation made to Roads Authority as to revising the terminology of their policy.
6.	Ministry of Finance	Vulnerability of IFMS system and passwords.	Recommendations made to Ministry of Finance as to how security of system can be improved.

NO	INSTITUTION CONCERNED	AREA IDENTIFIED	DETAILS OF RECOMMENDATION
7.	Ministry of Finance	Change of banking details utilized to commit fraud, theft and corruption.	Recommendations made to Ministry of Finance that resulted in more stringent procedures and authorities to be applied.
8.	Ministry of Finance	Employee allegedly created false supplier code linked to own bank account and transferred payments to private bank account.	Recommendations made to Ministry of Finance alerting them to the practice.
9.	Ministry of Agriculture, Water and Forestry	Purchase of substandard and unfit grader contrary to specifications in tender document.	Investigation conducted and insufficient evidence found to recommend criminal prosecution. Recommendations made to the Ministry to engage the Government Attorney to take civil legal action. The said action resulted in a civil judgement against the supplier concerned.
10.	Ministry of Education Arts and Culture	Supply of stationary paid for but not delivered. Supplier left for South Africa.	Recommendations made to Ministry to engage Government Attorney to attempt to recover cost through civil litigation.
11.	Ministry of Veterans Affairs	Allegations of criminal conspiracy by certain second hand car dealers with veterans to ensure that cash payments are reverted to them instead of purchasing vehicles for projects that are to be executed.	Recommendations made to the Ministry to reconsider current system to ensure that documentation are more detailed, vehicles are registered and purchased.
12.	Roads Authority	Corruption perpetrated by Natis Examiners in respect of the testing and issuing of learner and driver licenses.	Recommendations made as to the documentation, workflow, camera system and frequent auditing of documentation to ensure that Natis system is less prone to corruption.
13.	Ministry of Health and Social Services-Central Medical Stores	Theft of stock, stock losses at Central Medical Stores.	Recommendations made to increase physical security and to decrease stock losses.
14.	Ministry of Finance	Compromised documents during tender process.	Recommendations made as to improving security of documentation during tender processes.

## Division Administration

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### Finance section

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Financial management mainly focuses on proper utilization of operational and development budget allocations to ensure that ministerial programmes are successfully executed and strategic objectives are realized.

#### *Operational Budget:*

The ACC spent its budget without overspending on any of the main divisions. All payments were made within the financial year.

#### *Development Budget:*

The ACC Headquarters were completed on time and the retention fees were paid to the contractors.

### Human resources section

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The ACC staff compliment is 89 (eighty nine) staff members and 2 (two) public office bearers. At the end of the 2014/15 financial year there were eighty (80) staff members on our staff establishment, five (5) resignations, one (1) transfer, two (2) early retirements and nine (9) vacant positions.

The ACC has experienced high labour turnover and lack of manpower, particularly in Human Resource Department. There is a need to review the structure of the ACC with the view to increase its capacity especially with regard to staff performing core functions.

### Training and development

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The ACC recognises that staff development is an ongoing process that must be planned, developed and executed in an efficient, fair, transparent and economic manner. The ACC should ensure training in all core areas namely Investigations, Education and Corruption Prevention, and Management. The operations of the ACC is unique and specialised and relevant training stakeholders should be identified to assist in optimizing training.

About fifty six (56) staff members were capacitated through short courses during the 2014/15 financial year. In addition nine staff members were given financial assistance towards qualifying training. The short courses that staff members attended are in the following areas:

- Financial Investigation System
- goCase System

## Recommendations

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In the previous annual reports, the ACC made several recommendations based on the complaints reported by members of the public to the ACC.

The ACC herewith wishes to express its profound appreciation that some of our recommendations made were considered by the authorities and have either been attended to, or are currently receiving due attention. It is necessary that in this report, some of those previous recommendations are again highlighted for the reason that it is critical that they are fully addressed to prevent the reoccurrence of malpractices, mismanagement of resources and corruption.

A pro-active approach strengthens the governance system as it prevents the occurrence of conflict of interest and corrupt practices. As the adage says "prevention is better than cure".

### **Public sector should take a lead in the fight against corruption**

Strict oversight in public institutions is key to detection of mismanagement and corruption. Public officials must adhere to the principles of ethics and values. Public officials must at all times remember that they have entered into contractual obligation with the public to render efficient and effective service delivery to the public. They must promote the hallmarks of good governance which are efficiency, effectiveness, fairness, equity, transparency, responsiveness and accountability. This applies for both appointed, elected and employed public servants. Public institutions must develop meritocratic systems in the appointment, promotion and remuneration of public officials. Introduction of internal control units within government offices, ministries and agencies which monitor suspicious incidents of malfeasances, favoritism, internal budgetary activities will prevent corruption.

Parliamentary Committees and other public institutions responsible for monitoring the management of public resources must be capacitated to execute their functions effectively. Customs and tax duty systems must be administered properly because they are the source of public revenues. This way, we shall collectively address the economic challenges facing our society.

### **Civil servants engaged in remunerative work outside the Public Service**

ACC has received numerous complaints that some civil servants are engaged in remunerative work outside their work in Public Service without the required permission. It appears the practice will be a thing of the past with the proposed amendments to the Public Service Act, 1995 (Act No. 13 of 1995) to make provision for the declaration of conflict of interest. Accounting Officers and supervisors at different level should take their responsibilities seriously. Disciplinary measures should be instituted in accordance with the Public Service Act, 1995 as possibly amended, rules and regulations promulgated thereunder against those who abuse their office for personal gratification.

## Conflict of interest

---

It is either that the misconduct provisions, provided for under the Public Service Act, 1995, are not adequately strict enough or accounting officers and immediate supervisors do not enforce the Act strictly. ACC continues receiving complaints of alleged conflict of interest implicating some civil servants. Public officers should not participate in or take administrative decisions on matters which may give rise to conflict of interest unless they declare such conflict to their supervisors. Such conduct make them liable for disciplinary charges.

It is recommended that civil servants who involve themselves in official matters that conflict with their private interests without declaring such conflict of interest must face disciplinary action in accordance with the law. If the current provisions of the Act prove ineffective, the ACC's recommendation is that the authorities should amend the Act to tighten the provisions or consider to clearly and concisely criminalize the conduct of acting in conflict of interest instead of merely dealing with it as an administrative misconduct.

## Declaration of assets/conflict of interest

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What mostly tempts public officials to engage themselves in conducts of conflict of interests is the non-disclosure of their interests, finances and assets. A provision in the Public Service Act, 1995, providing for assets and financial declaration by certain category of staff members, particularly those in management positions or all categories of staff members will ensure transparency and prevent conflict of interest.

The proposed move to amend the law to provide for the declaration of conflict of interest by staff members is a milestone in our government's quest to prevent conflict of interest in the Civil Service. There is need to inculcate a culture of disciplined and corrupt-free civil service for Namibia to improve its national, regional and global image as the best country to live in and do business with.

## Misuse of Public Properties

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Misuse of public properties especially government vehicles remain a matter of grave concern. This is attributed to a lack on the part of the supervisors to take their responsibilities serious. Such misuse results in unnecessary expenditure on fuel and depreciation of vehicles. Accounting Officers, Supervisors and Transport Officers must take their responsibilities very serious or else they must be held administratively and criminally accountable for the expenditure incurred through misuse by their subordinates.

The policy on the use of government vehicles need to be revised to close the identified gaps. Politicians must add their voice by publicly denouncing the misuse of government properties and take measures to prevent such misuse. Their perpetual silence potentially condones the misuse. If the trend of mismanagement of public resources and abuse of public properties continues unabated, programmes aimed at poverty eradication and creation of employment opportunities will not be realised soon.

## Unwarranted travelling and attendance of workshops by senior officials

---

ACC received disturbing reports from junior civil servants in some of the government offices, ministries and agencies and state-owned enterprises that their supervisors hardly spend time in offices to attend

to daily administrative matters affecting the offices. They are either outside the capital or outside the country. It is also alleged that they attend or send their friends to attend workshops that do not fall within the immediate line of their responsibilities.

The ACC in the past recommended that the Public Service Commission should develop and recommend mechanisms to the Prime Minister which will only allow for workshops beneficial to Public Service to be attended. Meanwhile, accounting officers must ensure that members of their staff attend workshops that are relevant and add value to service delivery.

## **Misconduct or immoral conduct**

---

ACC has observed that many supervisors, particularly accounting officers do not wish to take disciplinary action against their subordinates. Matters of pure administrative nature are referred to ACC for criminal investigation in order to keep their hands "clean". Matters of pure misconduct or immoral acts that do not constitute corrupt practices as defined in the Anti-Corruption Act, 2003 can be dealt with by relevant authorities in terms of their administrative powers. Accounting Officers are urged to keep their hands on and carry out their administrative duties without fear or favour.

## **Public procurement**

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Corruption especially in the form of bribery may be perpetrated during a procurement process. The laws and regulations on procurement must be reviewed to extensively prevent corruption in the public procurement system. There must be higher standard of transparency and accountability in the procurement process. Effective measures aimed to deter, detect and punish corruption should be introduced. The new proposed public procurement law is a very positive development.

## **Adequate funding for the Judiciary, Law Enforcement Agencies and Prosecution Authority**

---

The immediate reason given to the public for the delay in finalizing cases in our criminal courts is the shortage of manpower. The Judiciary is one of the three pillars of the Government. Good governance is tested on the availability of the resources for the judiciary and the speedy dispensation of justice. An adequately resourced legal system is fundamental to the rule of law and democracy. A corrupt legal system has a wider negative impact, undermining the credibility of the State and frustrates the execution of fair judgements.

It is recommended that every effort be made to ensure that the Judiciary is properly funded and competent and dedicated judicial officers are appointed. The ACC has in the past recommended the establishment of special courts that can adjudicate corruption, fraud and serious economic crimes cases, this in our view will drastically reduce the delay in finalization of court cases. On average, considering the population of Namibia as compared to other countries, the delay is unacceptable.

Similarly, adequate funding for Law Enforcement Agencies and the Prosecution Authority will ensure that skilled, competent, dedicated and hardworking investigation officers and prosecutors are appointed to, and retained in, positions.

## Plea bargaining

---

The present Criminal Procedure Act makes no provision for plea bargaining power. Plea bargaining provision could put the prosecution in a position where it can speedily and effectively dispose of cases. Where there is room for plea bargaining some suspects may be prepared to plead guilty based on agreed conditions. This may result in the convicted suspects turning into state witnesses and assist with the prosecution of serious criminal matters.

The ACC has previously recommended that broadening of the scope of the Criminal Procedure Act that would allow for plea bargaining should be considered.

## Legislation providing for the admissibility of evidence obtained through technological means

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The modes of committing crimes have changed due to the drastic evolution of technology. Criminals get smarter day by day, using their technological skills. Computers, cellphones and other technological devices have become their sources of committing crimes, since we are living in cyber world using internet in our day-to-day life.

The investigation of corruption and serious economic crime cases can at times become very complex due to advanced technology. Corruption is an invisible act, committed in 'darkness'. It may be necessary to record information electronically or download and decipher computer data. We cannot succeed in our quest to bust corruption and money-laundering unless the same electronic devices are legalised to combat corruption and cybercrimes.

There is an urgent need for state of the art legislation providing for the admissibility of evidence obtained through technological means, especially with regard to collation and use of digital and related evidence. This is even more urgent than before since the use of technological devices have become a common global mode of committing serious corruption crimes. Our criminal procedure system should not be left behind by technological advancement, particularly with regard to the admissibility of evidence obtained by technological recordings.

## Appointment of Chief Executive Officers (CEOs) and Chief Regional Officers (CROs)

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ACC's investigations revealed that some grossly irregular administrative decisions were taken and implemented following potential threats to CEOs and CROs that their terms of office will not be renewed should they not implement the decisions of Honourable Councillors. Particularly, this is the case when Councillors want to undertake official trips which in the opinion of the CEOs or CROs are not viable or are not in line with councillors' responsibilities.

Threats were also made against some of the CEOs and CROs when they advise against some resolutions of the Management Committee which are likely to be in contravention of the relevant Act or Treasury rules. In this regard, some of those affected have recommended that their appointment and renewal of the

terms of office should not be entirely the prerogative of the councillors. They suggest that the line Minister or a committee appointed by the line Minister should be the final appointing authority.

The other issue expressed by some CEOs and CROs is the interference by councillors in their daily administrative work resulting in the prolonged suspensions and disruptions of work programmes.

Mechanisms regarding the appointment and removal of CEOs and CROs need to be revisited to ensure security of tenure of office of these officers. While councillors are expected to play their oversight role in the management of regional and local authorities, they should not unduly interfere with the daily management of these authorities. Suspensions of the executive officers should only be resorted to when it is the only justifiable option to ensure a smooth investigation. At the same time, suspension should not be indefinite. The practice costs authorities a substantial amount of money in respect of salaries and other perks that have to be paid to the suspended officers.

## State-owned enterprises (SOEs)

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In some instances allegations were received that Board of Directors of these enterprises misused their powers to take decisions that either favour themselves or the management for self-gratification. In respect of some of the SOEs, the Auditor-General has no power in terms of their laws to audit their records, unless so assigned by the Government. The laws governing these specific enterprises need to be revised to give power to the Auditor-General to consistently audit records of all SOEs. Good corporate governance principles should guide the management of SOEs.

The ACC is pleased with the creation of the Ministry of Public Enterprises which has assumed the responsibility to provide oversight of the public enterprises. It is therefore recommended that the responsible Ministry should develop proper governance principles that will serve as the general guidelines for all the public enterprises in the execution of their mandate. It is further recommended that members of the boards should be appointed on merits by virtue of their expertise, skills and qualifications and not on mere patronage. The policy governing the public enterprises should prohibit the practice of board members serving on many boards. The apparent tendency of arranging so many unnecessary board meetings, as a mere moneymaking scheme, should be prohibited.

The practice of Chief Executive Officers of public enterprises sitting on several other boards may leave them with insufficient time to execute their duties and functions of their respective enterprises. The practice may as well result in conflict of interest by virtue of the decisions they take in the many boards they sit. Inconsistency in the sitting allowances of the members of the boards of public enterprises need to be addressed.

## Delays in execution of capital projects

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The Ministry of Works and Transport exercises control over government capital projects. There have been many complaints by government offices, ministries and agencies about the manner in which the Ministry is managing the said projects. The Ministry allegedly acts slowly on the appointment of consultants for the development of projects as well to invite tenders for such projects.

This may cause delays in the execution of the capital projects and result in millions of dollars budgeted and allocated for capital projects being returned to the State Revenue Fund. Accounting Officers of such offices, ministries and agencies should account for the utilization of funds on their respective budgets. The Ministry of Works and Transport should look into this concern to ensure the avoidance of delays in the execution of capital projects.

## Poverty alleviation

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Though this concern does not directly fall under the mandate of the ACC, we in our previous annual reports expressed our concern for the mere reason that the ACC had been inundated with numerous complaints relating to this grave concern, lodged particularly by the youth. The youth who find themselves in these precarious living conditions have a perception that corruption is the cause of the predicament in which they find themselves.

The ACC is pleased that Government is busy addressing this national challenge. The creation of the Ministry of Poverty Eradication and Social Welfare is positive indication of our Government's determination to address the challenge of unemployment and poverty.

## Funding of political parties represented in Parliament

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The issue of funding of political parties represented in Parliament has on numerous occasions been brought to the attention of the ACC. In the past they could not account, in a transparent manner, for how the money allocated was spent.

The ACC is happy that the Electoral Act, 2014 (Act No. 5 of 2014) makes extensive provision for increased transparency and accountability in political party financing. The new law makes provision for an annual declaration by political parties of their assets and liabilities to the Electoral Commission of Namibia, which should include the source of funds. Good governance starts with political parties' commitment to transparency and accountability.

The ACC therefore recommends that political parties should strictly adhere to the provisions of the Act. Political parties should maintain proper bookkeeping and reporting structures, ensure that audit requirements are complied with, and develop and implement internal integrity systems. This way, Namibia's global image on democracy will further improve.

## Access to information

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Access to information is one of the requirements for the elimination of corruption in a democratic society. Government must respect, promote and protect the freedom to seek, receive, publish and disseminate information concerning corruption, money-laundering and related organized crimes. Access to information may only be limited on matters related to privacy, confidential information, safety of persons and property, protection of investigation and legal proceedings, protection of privileged records, security of State and international relations.

Access to information is a requirement under the regional and international treaties that Namibia has signed and ratified. Article 13 of the United Nations Convention Against Corruption obligates State Parties to take appropriate measures to promote the active participation of individuals and groups including civil society in the prevention of and fight against corruption. State Parties are required to ensure that the public has effective access to information and undertake public information activities that contribute to non-tolerance of corruption.

Namibia still has no relevant legislation on access to information, therefore the ACC recommends that it is imperative that legislation on access to information be developed. Namibia, being a shining example on democracy, must also lead by example by passing legislation on access to information.

### **Amendment to the Immigration Control Act, 1993 (Act No. 7 of 1993)**

The Act regulates and controls the entry of persons into Namibia. It also provides for the prohibited immigrants. Schedule 1 of the Act lists the offences, the convicted thereof becomes a prohibited immigrant unless he/she has received a free pardon. The Act was passed prior to the enactment of equally other important laws such as the Anti-Corruption Act, 2003, the Prevention of Organised Crime Act, 2004 (Act No. 29 of 2004) and the Prevention and Combating of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014). Offences under the aforesaid laws have not been included under Schedule 1 of the Immigration Control Act.

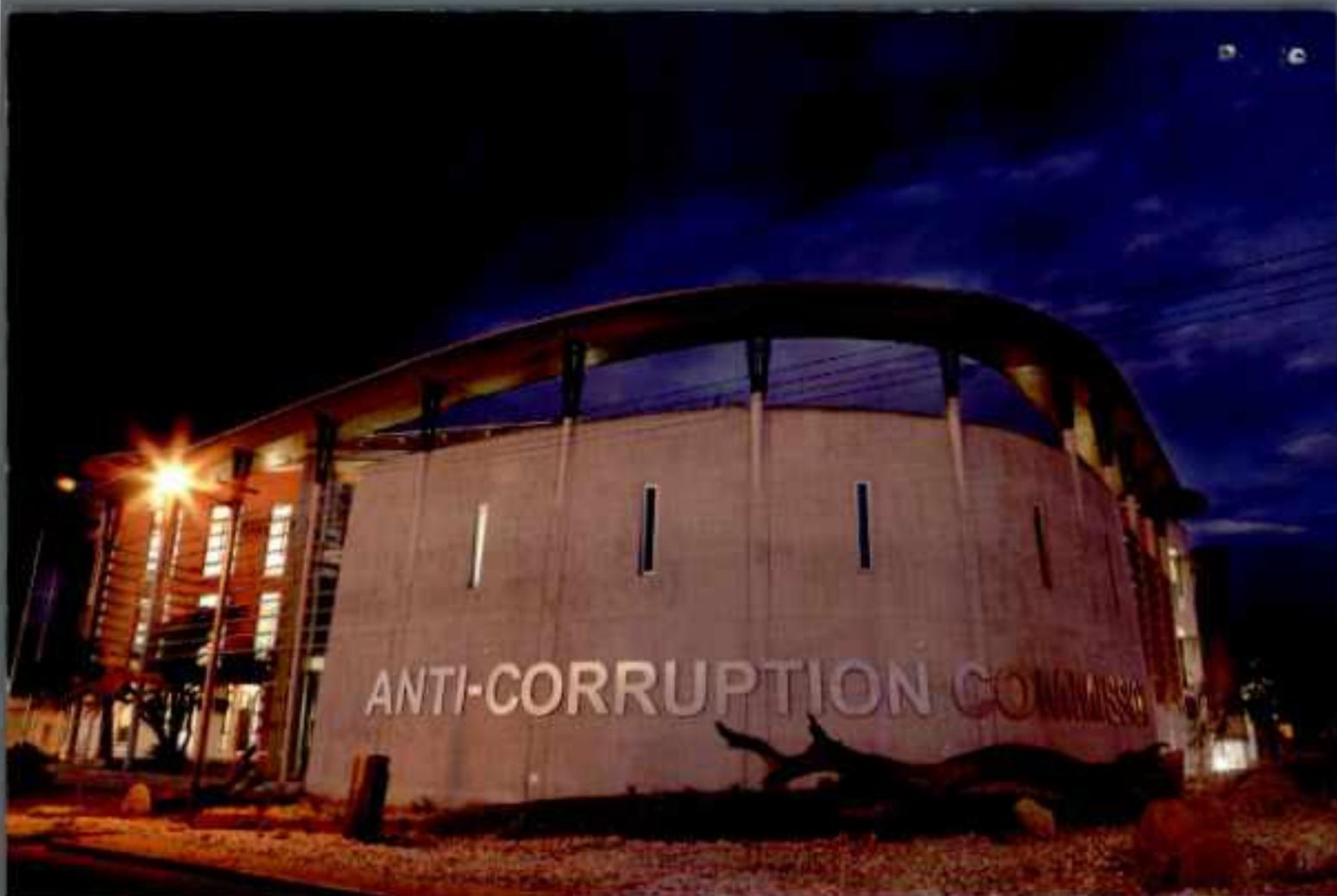
It is recommended that the Schedule 1 of this Act be broadened to also include the provisions of Chapter 4 of the Anti-Corruption Act, offences of money-laundering provided for in the Prevention of Organized Crime Act and the offences of terrorist and proliferation activities provided for in the Prevention and Combating of Terrorist and Proliferation Activities Act. In doing this, we shall avoid Namibia becoming a safe haven for criminals from other countries.

### **Accounting and auditing standards**

The effective manner to prevent corruption in public institutions is when a policy of transparency and accountability is adopted and adhered to. All institutions that are funded with tax-payers money must be subjected to accounting and auditing by recognized auditing institutions. It is recommended that the Auditor-General should be given power by law to audit all institutions funded with tax-payers money.

### **Business integrity**

The fight against corruption cannot be left to Government alone because it is not the problem of Public Sector alone. Business sector must come forward and be part of the fight against corruption. Private sector must promote business integrity and prevent corruption. Measures to promote private sector transparency and accountability will prevent conflict of interest and deter bribery of public officials. Private sector must develop proper internal controls, codes of conduct and policies that provide for sanctions of conflict of interest, bribery and other related corrupt conduct. Adequate training of employees on ethics is a paramount requirement in both public and private sector.



### **ACC HEADQUARTERS**

Corner of Mont Blanc & Groot Tiras Streets  
P O Box 23137, Windhoek  
Tel: +264 61 435 4000  
Fax: +264 61 300 952  
Toll Free Line: 0800 222 888  
Email: anticorruption@accnamibia.org  
Website: www.accnamibia.org

### **ACC SWAKOPMUND OFFICE**

Corner of Anton Lubowski & Tobias Hainyeko Streets  
PO Box 8008, Swakopmund  
Tel: +264 64 418300  
Fax: + 264 64 463221

### **ACC OSHAKATI OFFICE**

1st Floor, Social Security Commission Building  
Social Security Street  
PO Box 533, Oshakati  
Tel: +264 65 222150  
Fax: +264 65 222154

### **ACC OTJIWARONGO OFFICE**

Erf 129, Hage Geingob Street  
P O Box 7220, Otjiwarongo