



## Anti-Corruption Commission



BE PART OF THE FIGHT!

## Annual Report 2012-2013



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**VISION**

To be a world class Anti-Corruption Commission

**MISSION**

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

**CORE VALUES**

Integrity  
Accountability  
Courage  
Transparency  
Excellence  
Fidelity to the law  
Fairness and impartiality

# Vision Mission & Values

I am pleased to present the Annual Report 2012-2013 on the activities of the Anti-Corruption Commission (ACC).

The mandate of the ACC remains as provided for under the Anti-Corruption Act, 2003 (Act No 8 of 2003) which are to receive or initiate and investigate allegations of corrupt practices, to consider allegations of corrupt practices and when necessary refer the matter to appropriate authority for investigation or action, to consult, co-operate and exchange information with appropriate bodies or authorities, including authorities or bodies of other countries that are authorized to conduct inquiries or investigations in relation to corrupt practices, to investigate the conduct of a person employed by the public body or private body which in the opinion of the Commission may be connected with or conducive to corrupt practices, to examine the practices, systems and procedures of public bodies and private bodies to facilitate the discovery of corrupt practices, to advice public bodies and private bodies on ways of preventing corrupt practices and on changes of practices, systems and procedures compatible with the effective performance of their duties and which are necessary to reduce the likelihood to the occurrence of corrupt practices, to educate the public and disseminate information on the evil and dangers of corruption and to enlist and foster public confidence and support in combating corruption. These are the main functions the Commission is mandated to carry out.

During the period under review, the increase its activities not only in terms allegations of corrupt practices, but awareness on the corrosive effects why the public should rally behind and expose corruption. The Commission in the of Public Education and Corruption Prevention visited various public places in the regions

Commission continued to of investigations of also in raising public of corruption and the Commission officials of the Directorate



FOREWORD BY THE DIRECTOR





including schools where workshops were held for both the public officers and the learners. During these workshops, educational materials relating to prevention and fight against corruption were distributed.

The Commission further intensified its awareness campaigns through adverts in both the print and electronic media. As a result of the increased awareness campaigns, many Namibians are now aware of the existence of the ACC. They are as well aware of the devastating effects of corruption and have been blowing the whistle on what they suspect to be corruption.

With regard to investigation, a total number of 488 were reported to the Commission during the financial period under review. As it is always the case some complaints lodged with the Commission do not fall within the direct mandate of the ACC. For the complaints that do not merit investigation by the Commission were referred to the relevant authorities for investigation and action. At the same time, complaints that fall within the mandate of the Commission were investigated and where evidence was found, the dockets were referred to the Prosecutor- General for consideration whether to prosecute or not. Power to prosecute is vested in the Prosecutor- General in terms of Article 88 of the Constitution of the Republic of Namibia. I need again to state that the powers and functions of the Commission are provided for under the Anti-Corruption Act. The offences of corrupt practices are as well listed in the same law.

The enactment of laws such as the Prevention of Organized Crime Act and the Financial Intelligence Act must be applauded. These laws have strengthened the fight against corruption and related crimes. It is not only essential that offenders when convicted must serve terms of imprisonment, but it is as well critical that they should not benefit from the proceeds of unlawful activities.

Fighting corruption and promoting good governance are undoubtedly part of a stronger and better regulatory reform, requiring that time to time laws must be reviewed to address the emerging challenges. Also fundamental to the successful fight against corruption is transparency and accountability. They are important principles fundamental to democracy, rule of law and social stability. The Commission adopts a multi-disciplinary approach which combines corruption prevention, law-enforcement measures, and awareness raising campaigns and vigorous monitoring and evaluation process.

In order to translate this approach into reality, it means that all stakeholders including lawmakers must actively participate in the prevention against corruption. Lawmakers are indispensable stakeholders in the anti-corruption drive. Their duties are not only limited to the debates and enactment of laws, but also extend to sensitization and public awareness campaigns on the dangerous effects of corruption. Parliament is an institution through which a nation speaks about its national concerns and proposes the policies and laws through their elected representatives. Thus, lawmakers have a legal duty and not a mere moral obligation to prevent corruption and promote good governance.

The monitoring, evaluation and sensitization of the public on the effects and importance of the law are critical responsibilities. Lawmakers have a duty to engage and sensitize the electorate on the destructive effects of corruption. Corruption destroys good governance, peace and public order. Corruption reduces revenue collection through money laundering and tax evasion. It drives away investment opportunities and in the process increases unemployment and exacerbates poverty. Law makers must be in the forefront creating a strong anti-corruption climate and ethos among the general public.

Equally, the private sector must play its fair share in promoting ethical values. During the period under review, the Commission conducted a national survey on the existence of anti-corruption frameworks within the private and state-owned enterprises in the country. The objective of the survey was to establish to what extent the state-owned and private enterprises have put in place preventative legal frameworks as part of their efforts to curb corruption. Private companies as suppliers of services to public sector, at times are the culprits of corruption especially in relation to bribery. Private sector has the duty to prevent corruption by introducing preventative measures in their laws, policies and codes of conduct. Meanwhile the Commission has commenced the process for the development of the National Anti-Corruption Strategy that provides for a coordinated anti-corruption plan.

Corruption is a global phenomenon which affects all countries, big and small. The World Bank has identified corruption as the greatest obstacle to economic and social development. The observation by the World Bank implies that concerted action is required globally to reduce the impacts of corruption. At regional level, the Commission continues to cooperate with our counter-parts within SADC fraternity in line with SADC Protocol against Corruption. At continental level, the Commission, fully aware of the AU Convention on Preventing and Combating Corruption, has actively participated in anti-corruption activities aimed at promoting good governance. It is acknowledged world over that corruption is a governance issue. It destroys humanity just like it destabilises societies.

The Commission further continues to observe the International Anti-Corruption Day which is commemorated annually on the 9<sup>th</sup> December as adopted by the United Nations General Assembly Resolution 58/4 of 31 October 2003. The objective of the Day is to raise awareness on corruption and the mandate of States Parties under the United Nations Convention against Corruption on combating corruption.

Let us all have a common intention to make sure that Namibia is free of corruption.



**Paulus Kalomho Noa**  
**Director: Anti-Corruption Commission**



## THE COMMISSION

The Anti-Corruption Commission is established by the Anti-Corruption Act, 2003 (Act No. 8 of 2003) as an independent and impartial body. The Commission is headed by a Director who is assisted in the execution of control over the Commission by a Deputy Director. The Director and Deputy Director 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 and Deputy Director, the Commission is organised into the following section, department, directorates and division:

- Section Internal Audit
- Department Public Education Corruption Prevention and Investigation
- Directorate Investigation and Prosecution
- Directorate Public Education and Corruption Prevention
- Division Administration

## MANDATE AND STATUTORY FUNCTIONS

The Anti-Corruption Commission (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.

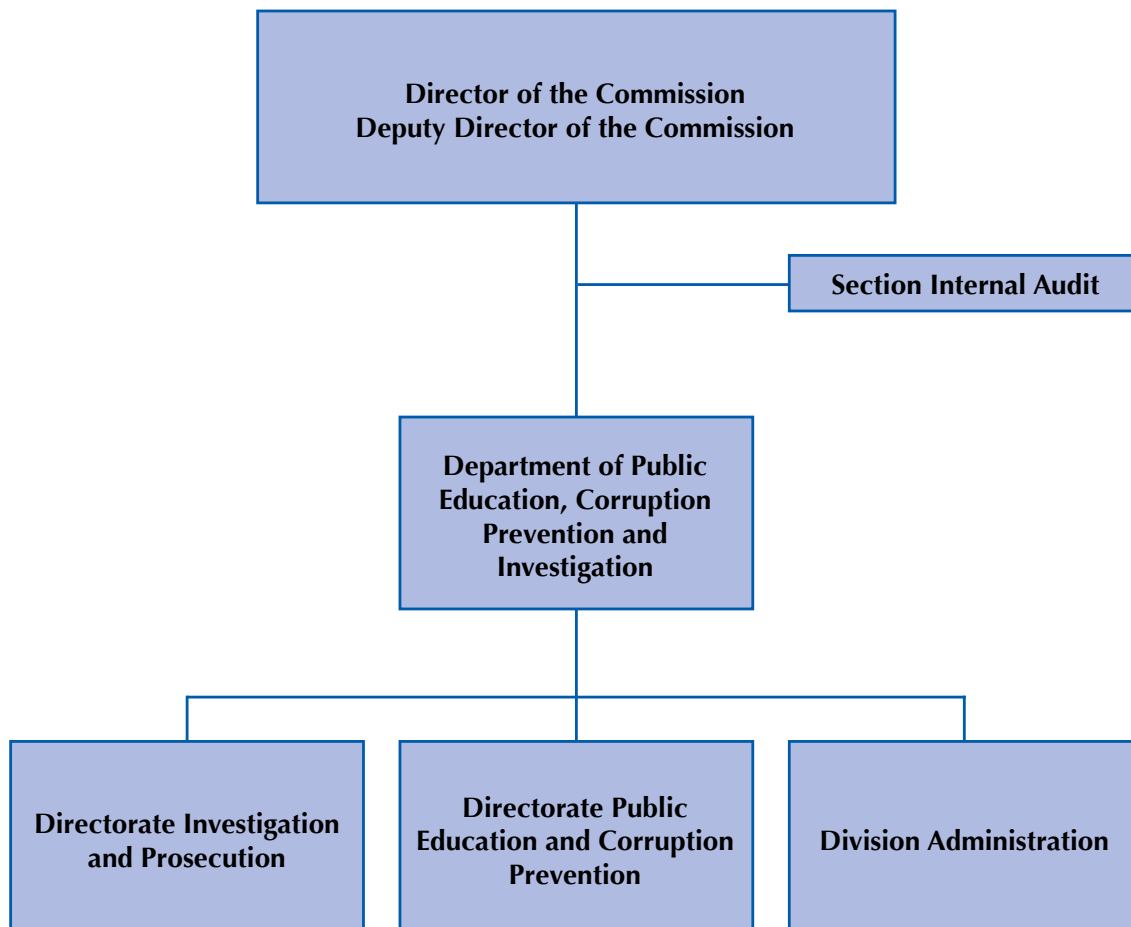
- **Prevention function**

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

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.

### THE ORGANIZATIONAL STRUCTURE OF THE ANTI-CORRUPTION COMMISSION IS ILLUSTRATED IN THE DIAGRAM BELOW







## CORE RESPONSIBILITIES

The Directorate of Investigation and Prosecution's core responsibilities include -

- Receiving, analysing and processing of reports of alleged corrupt practices
- Investigating allegations of corrupt practices in both private and public sectors;
- Arresting and arraigning of suspects in corruption and related cases;
- Compiling and submission of case dockets with a recommendation for possible criminal prosecution to the Office of the Prosecutor-General (PG)
- Liaising with Prosecutors to ensure successful prosecution of corruption and related cases
- Testifying in criminal courts and disciplinary hearings in respect of corruption and related cases referred to such institutions
- Enforcing the Anti-Corruption Act



**Mr Nelius Becker**  
Head: Investigation and Prosecution

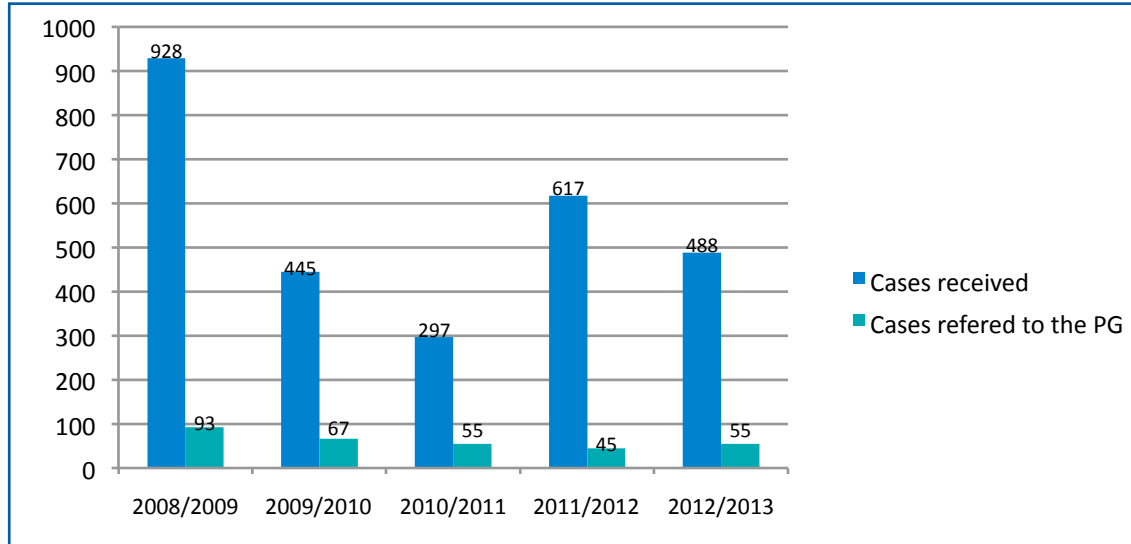
Each initial report received is subject to a process of evaluation. The purpose of an evaluation is to analyse the information received by the Commission in order to make a recommendation to the Director as to the further handling of the information. With the introduction of the UNODC GoCase management system, reports are electronically forwarded to the Chief of Investigation & Prosecution who then in turn forward such to the Director of the Anti-Corruption Commission for a decision. This means faster processing of complaints and faster feedback to complainants.

In instances where there appears to be no corrupt practice the information is forwarded to other appropriate authorities for action or the informant is advised on what action to take. The ACC shall first, if it is satisfied that the allegations merits investigation, carry out a preliminary investigation in order to be in a better position to decide whether to refer the matter to the relevant authority for further action or to recommend to the Prosecutor-General for prosecution.

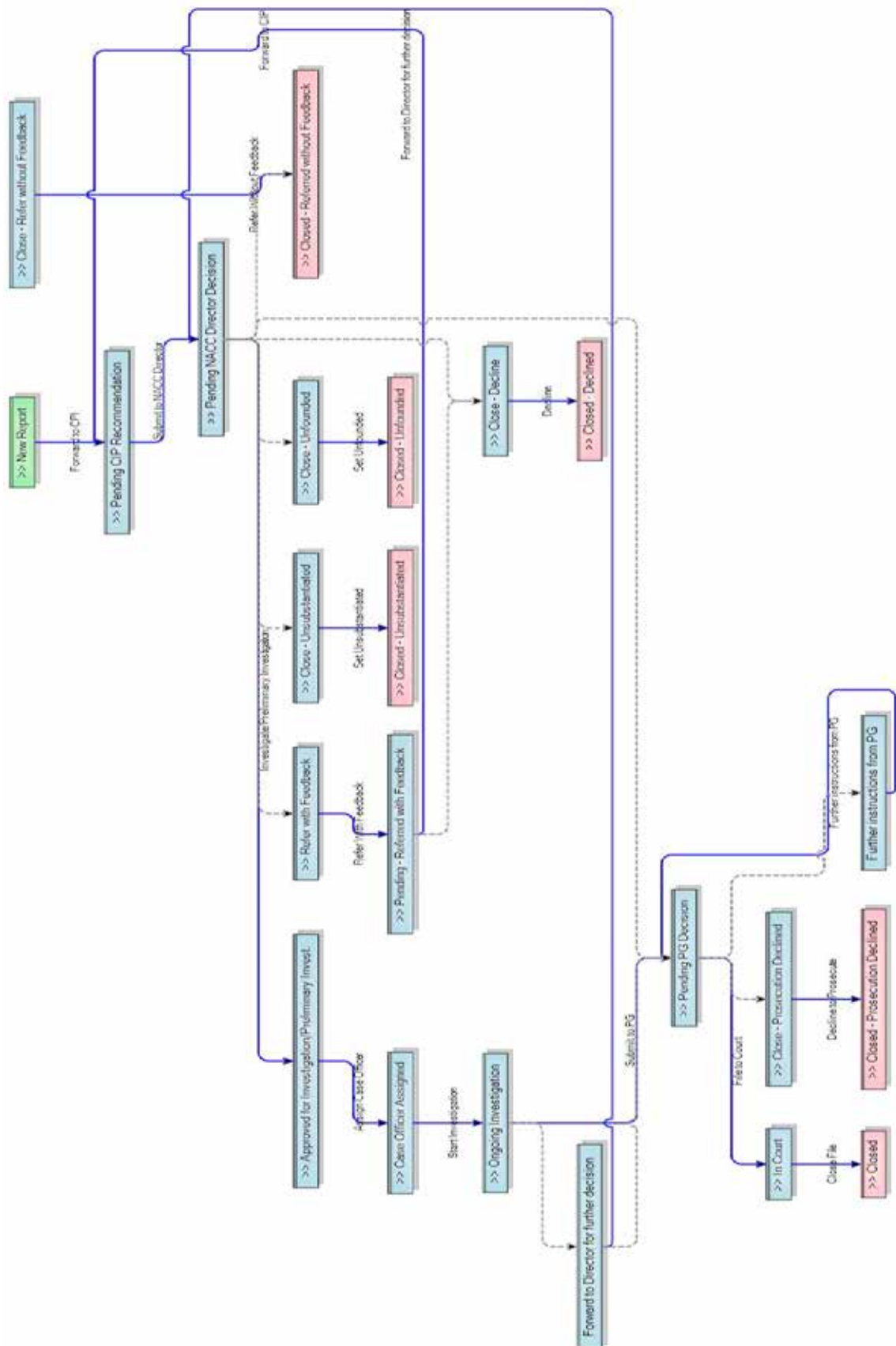
## STATISTICAL TRENDS IN OPERATIONAL ACTIVITIES

A total number of 488 cases were received during the year 2012/13. Out of the cases received during the period under review, 55 have been referred to the Prosecutor-General. The number of cases received by the Directorate of Investigation has decreased between 2008/09 and 2010/11

then increased again in the year 2011/12 and decreased slightly in 2012/13. The table below shows the number of reports received and those referred to the Prosecutor-General for each financial year between 2008/09 and 2012/13.



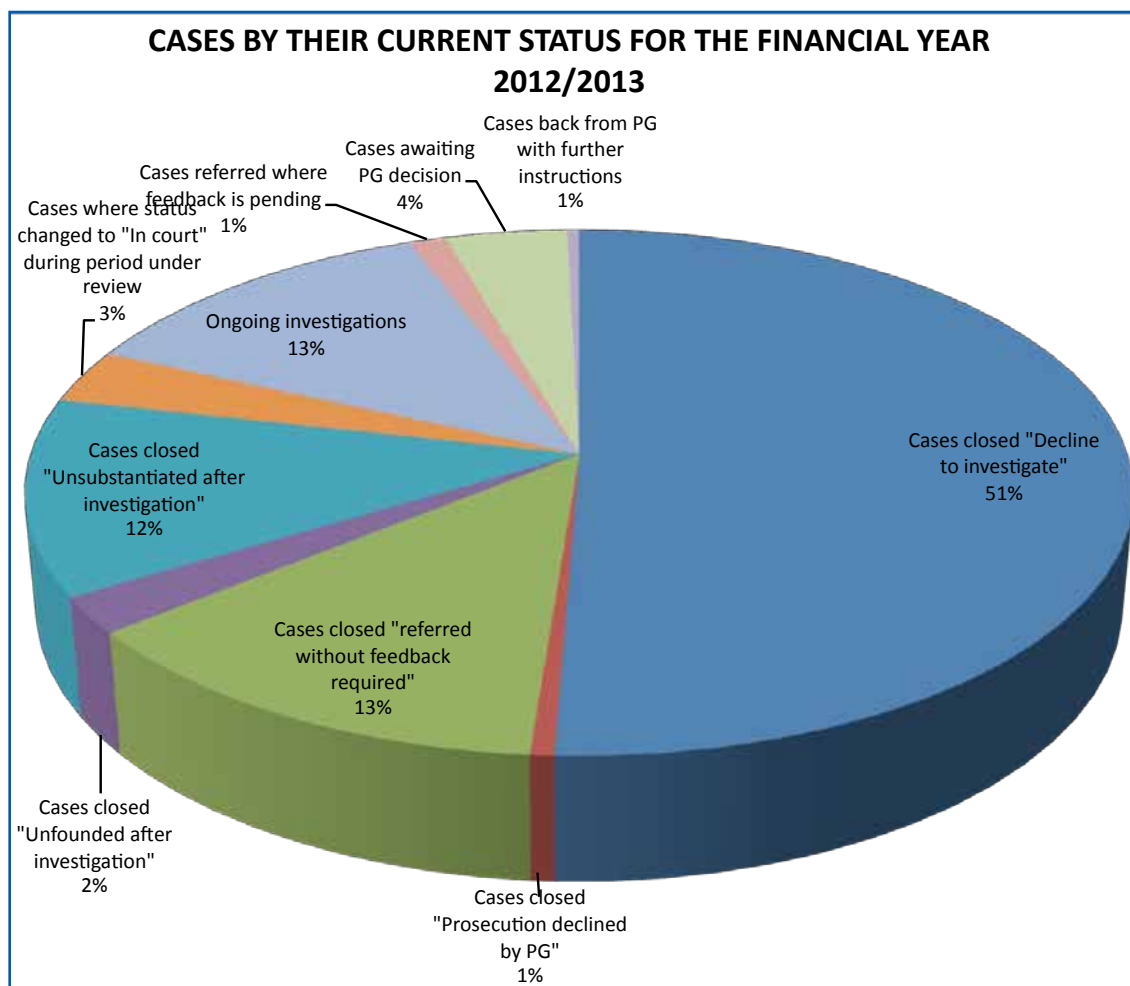
The figure below illustrates the current workflow with regard to handling cases reported to the office of the ACC.



There are a number of possible outcomes on reports received by the Commission and they are described below;

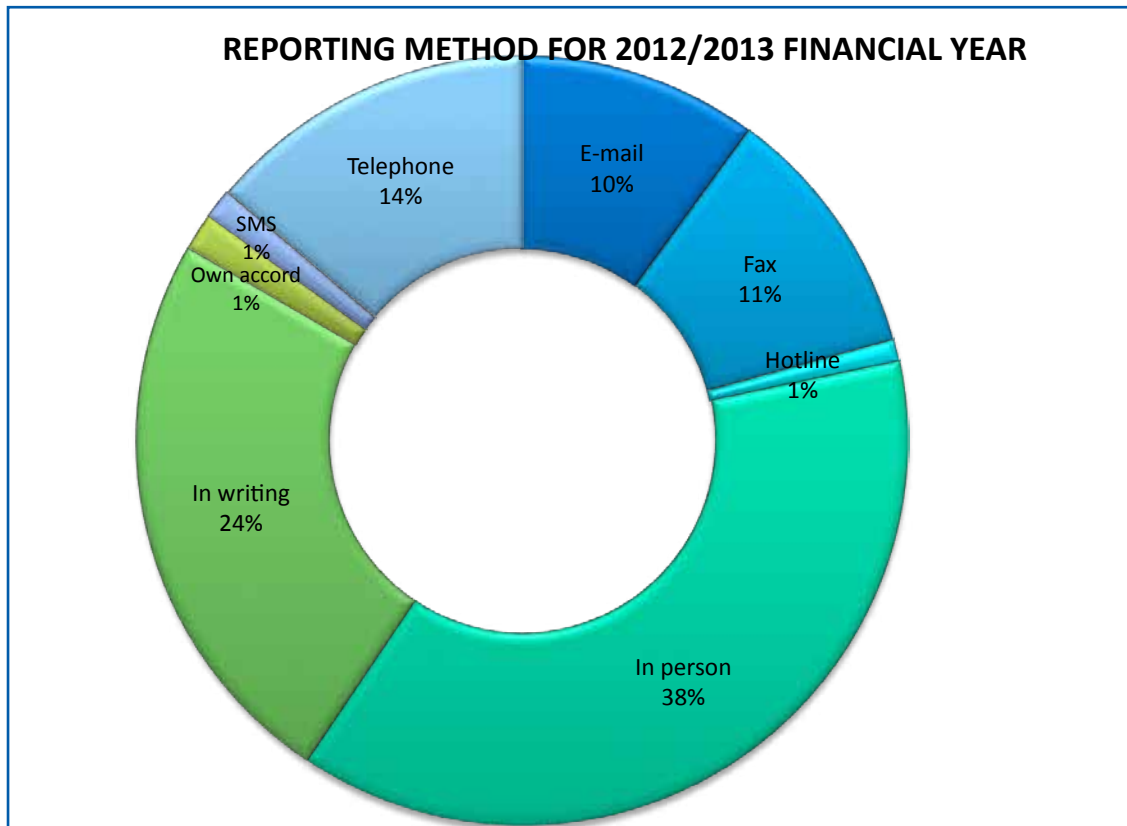
- Closed declined (*On receipt of the complaint the Commission is of the opinion that the matter will not be pursued (for various reasons as set out in section 18(2) of the Anti-Corruption Act)*)
- Referred with feedback (*Here the Commission feels that an allegation has merit but that a particular institution should investigate and give feedback to the Commission. The Commission on receiving feedback can then take a further decision in terms of further investigation or close the case as unfounded or unsubstantiated.*)
- Referred without feedback (*Here the Commission is of the opinion that the matter should be dealt with by any other institution or entity. This is normally in cases which don't fall within the mandate of the Commission because they are purely administrative, but the Commission wants to bring it to the attention of another institution or entity. The case is hereafter closed without expecting any feedback.*)
- Unfounded (*the matter was investigated and is false or has no merit.*)
- Unsubstantiated (*the matter was investigated, but the allegation couldn't be substantiated on the available evidence.*)
- Ongoing investigation (*The case is still under investigation or preliminary investigation*)
- For decision with Prosecutor-General (*The case was referred to the Prosecutor-General's Office and a decision is awaited.*)
- In court (*Case is currently in court and on the court roll.*)
- Acquittal (*Case was heard in open court and the accused was acquitted*)
- Conviction (*Case was heard in open court and the accused was convicted of an offence.*)
- Further instructions from Prosecutor-General (*Case was returned by the Prosecutor-General in order to obtain more information that would enable the PG to make an informed decision.*)

Below is the figure with the current status of the cases handled during the period under review.



During the period under review, 38% of the cases were reported to the ACC by the whistleblowers in person. Cases reported in person by whistleblowers in 2010/11, 2011/12 and 2012/13 are 28%, 36% and 38% respectively. This upward trend can be attributed to the availability of regional offices in Oshakati and Swakopmund that enable members of the public to have easier access to the ACC services. It may also mean that member of the public are becoming more comfortable and are confident in bringing matters to the ACC offices in person rather than using other modes.

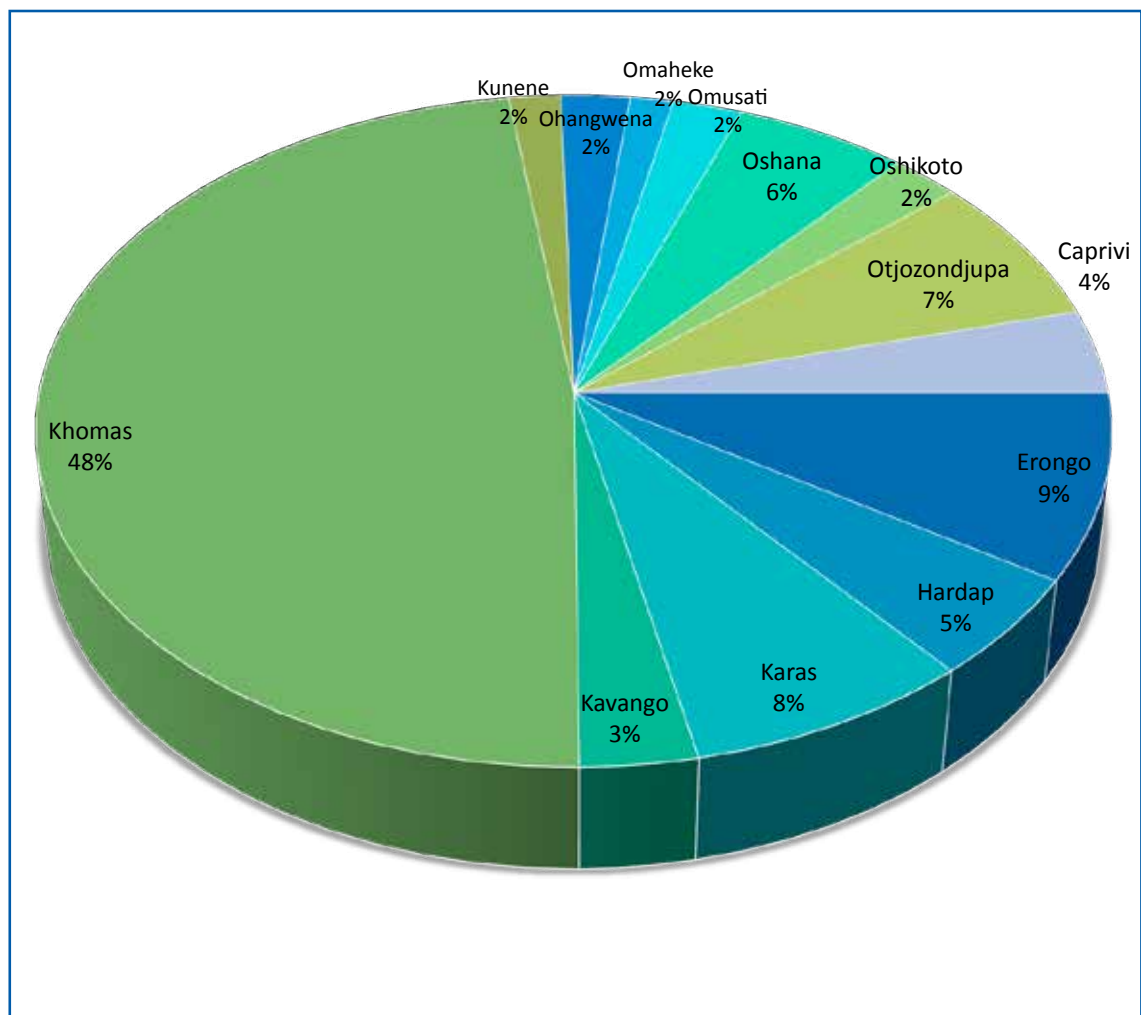
The figure below shows the modes used to report cases to the ACC for the period under review.





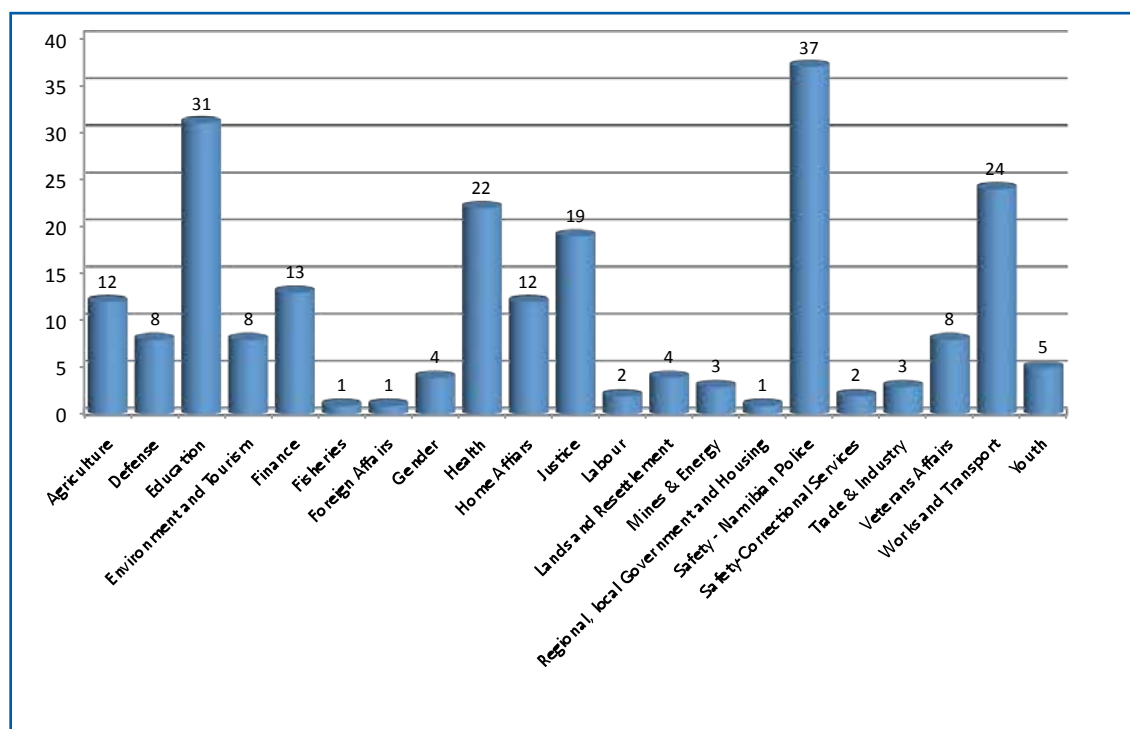
### GEOGRAPHICAL BREAKDOWN OF REPORTS RECEIVED FOR THE 2012/13

The figure below shows the geographical breakdown of alleged corrupt practice cases received by the ACC during the period under review. As depicted in the figure about half of the cases received by the ACC are within Khomas region. Reported cases linked to Erongo, Karas, Otjozondjupa and Oshana are 9%, 8%, 7% and 6% respectively. The other remaining regions have each five or less percent of the cases.



## BREAKDOWN OF REPORT RECEIVED IN RESPECT OF THE MINISTRIES FOR THE FINANCIAL YEAR 2012/13

The figure below shows that during the period under review, the four government ministries in respect of which the most report of alleged corrupt practices were received by the ACC in order from the highest to the lowest are the Ministry of Safety and Security, Ministry of Education, Ministry of Works and Transport and Ministry of Health and Social Services. This does not however imply that such institutions are more corrupt than others. It simply demonstrates how transparent the institutions are and officials within such institutions are ready to report any conduct they suspect to be corruption.





## CORE RESPONSIBILITIES

The Directorate of Public Education and Corruption Prevention core responsibilities include –

- to educate the public on the evils of corruption and foster ethical values. This is done through training and integrity related workshops that are tailor-made to meet the needs of target groups;
- to identify weaknesses and shortcomings in the systems, practices and policies of public and private bodies and advise on the changes to be effected thereto in order to prevent the occurrence of corruption.
- to design projects conduct surveys to assess the public opinion and perceptions on corruption, and make recommendations on how to better prevent corruption

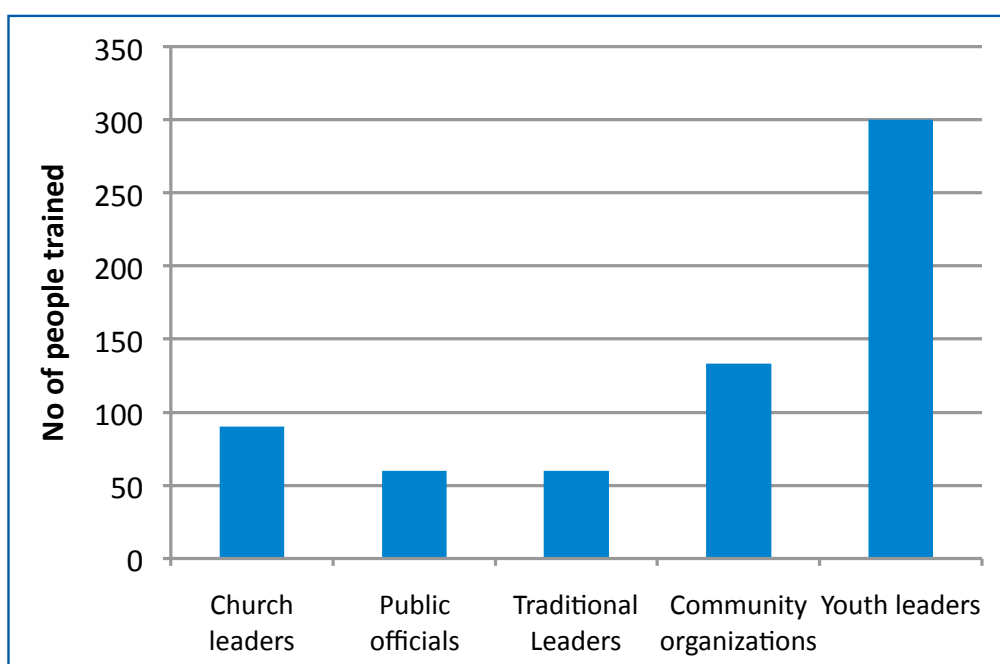


**Ms Namupa Nengola**  
Head: Public Education  
and Corruption Prevention

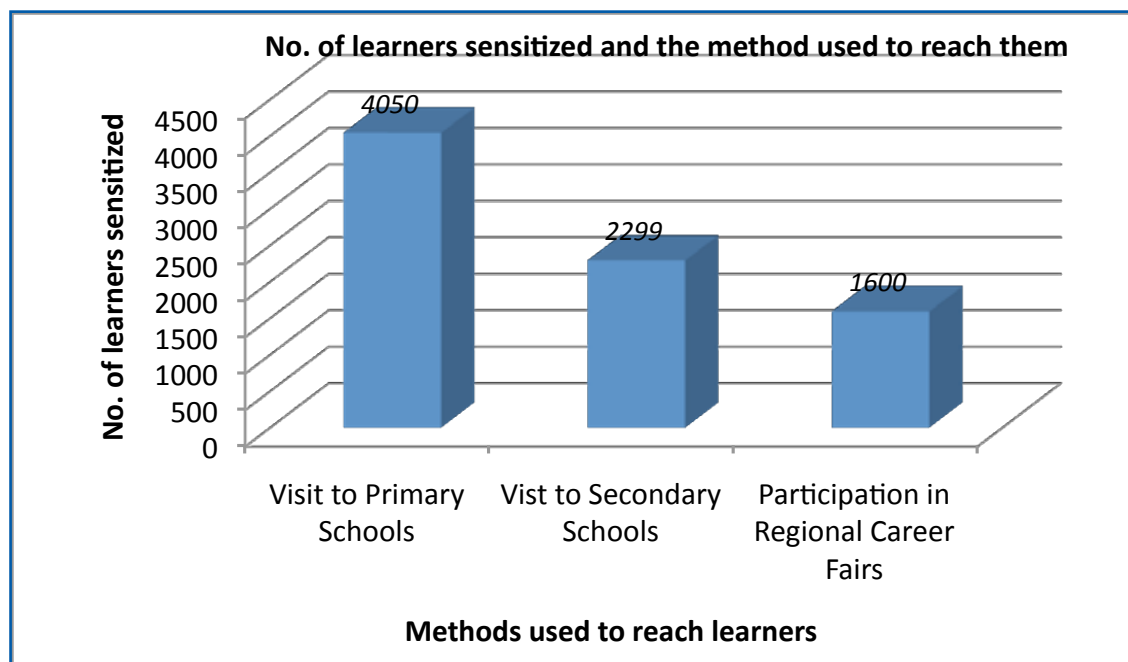
## RAISING PUBLIC AWARENESS ON THE RISKS OF CORRUPTION

The Commission held seminars and workshops with various stakeholders such as the public and private officials, youth groups, traditional leaders and church leaders as well as various officials from non-governmental organizations. The objectives of these sensitization workshops and seminars are amongst others, to sensitize the officials and public on the dangers and evil of corruption and equip them with relevant information on corruption.

The figure below shows the number of people who participated in our workshops and seminars.



## Youth Outreach Programme



The ACC conducted five seminars for youth leaders between 5 and 13 March 2012. The seminars targeted head boys and girls from Learners Representative Council (LRC), Student Representative Council (SRC) from local tertiary institutions, Youth Organizations and Youth Coordinators from the Ministry of Youth, National Service, Sports and Culture. A total number of 169 participants attended the seminars. The aim of the seminars was to enhance corruption awareness among youth, and educate them on the dangerous effects of corruption. Various education materials were also distributed among youth.



*Depicted are some of the participants at the youth seminar in Oshakati*

On 9 May 2012, ACC officials conducted a seminar on corruption to the Namibia National Student Organization (NANSO). Approximately 100 NANSO members attended the seminar. The objective of the seminar was to educate the youth about the dangers and evils of corruption and soliciting their support in the fight against corruption.



*Learners from Shalom Primary School*

On 28 June 2012, ACC officials gave a presentation on corruption to 800 learners and staff members at Shalom Primary School in Otavi, Otjozondjupa Region.



*Learners from Khorab Junior Secondary School*



*ACC official talking to learners at Kalenga Primary School*



*Learners at Ngweze Primary School*



*Learners at Ngweze Secondary School*

On 28 June 2012, ACC officials gave a presentation on corruption to 35 learners at Khorab Junior Secondary School in Otavi, Otjozondjupa Region.

On 29 June 2012, ACC officials gave a presentation on corruption to 1200 learners and staff members at Kalenga Primary School in Grootfontein, Otjozondjupa Region.

On 28 July 2012, ACC officials gave a presentation at Student Christian Movement Conference, which took place at Ongha Secondary School, Ohangwena Region. The main aim of the presentation was to enhance corruption awareness among learners/youth. About 300 participants attended the presentation.

On 30 July 2012, ACC officials gave a presentation on corruption at Kaisosi Primary School and Kehemu Primary School in Rundu, Kavango Region. About 600 learners and teachers attended the presentation.

The ACC officials gave a presentation at the Kehemu Primary school at Rundu in the Kavango region to educate learners and teachers on the dangerous effects of corruption.

On 31 July 2012, ACC officials gave a presentation on corruption at Mafuta Primary School to 400 learners and teachers and to 300 learners at Kizito College in Katima Mulilo, Caprivi Region.

On 1 August 2012, ACC officials gave a presentation at Ngweze Primary School and Ngweze Secondary School, A total of 570 learners attended.

On 8 Sept. 2012, ACC took part on a one day Oshigambo Career Fair, which took place at Oniipa Primary School, Oshikoto Region. The main aim of the presentation was to enhance corruption awareness among learners / youth. About 282 learners from 22 schools attended the presentation. Various materials were distributed.



The ACC Oshakati officials visited 8 schools in Oshikoto, Ohangwena, Oshana and Omusati Regions, between 7 to 14 September 2012. During the visit, the ACC donated 1704 pencils and 4000 rules to learners. Additional materials such as ACC Act Booklets, Namibia Constitution, Frequently Asked Questions Booklets and various brochures were also distributed to the schools' libraries. During the event, the ACC officials talked to around 4000 learners in those four regions.

On 7 November 2012, ACC Oshakati officials were invited to conduct a presentation at Evangelical Lutheran Church in Namibia (ELCIN) EASA Youth Coordinators' workshop, which took place at Ongwediva Rural Development Centre, Oshana Region. The main aim of the presentation was to enhance corruption awareness among youth leaders. There were 26 invited youth coordinators.

ACC officials in Oshakati participated in Regional Schools Annual Career Fairs for Oshikoto and Ohangwena Regions in March 2013. A total number of 177 schools were represented, 1312 Grade 10-12 learners and 197 teachers attended ACC sessions during the two career fair events.

The ACC visited A.I. Steenkamp School in Katutura Windhoek on 13 February 2013, to sensitize learners and teachers on conduct that constitutes corruption, the consequence of corruption and as well as enlisting learners' support in the fight against corruption. 1480 Learners were sensitised.

The ACC officials visited Bethel Primary School in Windhoek on 14 February 2013. Various ACC branded materials were donated to the school. In addition to donating materials to the school, the ACC officials sensitised learners and teachers on the dangerous effects of corruption.

The ACC officials also visited Namutuni Primary school in Windhoek on 21 February 2013. Over nine hundred learners including their teachers were sensitised on issues concerning corruption.



***Kahemu Primary School learners performing a cultural dance at during the visit of the ACC officials***



***Learners at Kizito College in Katima Mulilo***



***Some of the participants at the Oshigambo Career Fair***



***Some of the participants at the Career Fair displaying the materials distributed by the ACC officials***





*Learners at A I Steenkamp listening to the ACC official*



*A learner at Bethel Primary School holding an ACC- branded water bottle she won when the ACC official gave them a quiz after the presentation*



*Depicted is a learner from Tobias Hainyeko displaying a t-shirt she received as a prize for answering the quiz questions correctly*

The ACC also gave a presentation on corruption at the Tobias Hainyeko Primary school in Katutura, Windhoek on 20 February 2013.

## COMMUNITY OUTREACH PROGRAMME

On the 30<sup>th</sup> June 2012, ACC attended a one full day Okatyali Farmers Show, at Okatyali Constituency, Oshana Region. The main aim was to enhance corruption awareness and educate Okatyali Constituency community members about corruption. About 133 community members were contacted and attended the presentation. Various educational materials were also distributed.

## PUBLIC OFFICIALS AND CHURCH AND TRADITIONAL LEADERS OUTREACH PROGRAMMES

On the 27<sup>th</sup> April 2012, ACC conducted a one hour corruption sensitization presentation at the Northern Medical Forum, Oshakati State Hospital, Oshana Region. The main aim was to educate medical doctors and senior nurses about corruption. About 60 participants attended the presentation. Various education materials were also distributed.

On the 5<sup>th</sup> June 2012, ACC conducted a one day seminar for senior ELCIN church leaders at Ongwediva ELCIN Centre, Oshana Region. The main aim was to increase corruption awareness, educate church leaders about corruption, manifestation of corruption in the church and enlist their support in fighting corruption. About 21 participants attended the presentation, includes the presiding bishop, Bishop V.V. Nambala and Bishop J.K. Shanghala. Various educational materials were distributed.

On the 8<sup>th</sup> Aug. 2012, ACC conducted a one day seminar for senior traditional leaders from 8 Northern Traditional Authorities. The seminar took place at Oshakati, Oshana Region. The main aim was to increase corruption awareness,

educate traditional leaders about corruption, manifestation of corruption in the traditional authorities and enlist their support in fighting corruption. About 60 participants attended the presentation; amongst them were kings, chiefs and senior traditional councilors. Various educational materials were distributed.



*Depicted are participants at the Church Leaders seminar in September 2012. Seated are from left, Ombudsman Adv John Walters, the ACC Deputy Director, Adv E L van der Merwe and CCN Secretary General Rev Maria Kapere*

The ACC held various meetings with members of the ACC Christian Alliance Committee to prepare for the two days training workshop which took place on 20-21 September 2012 at Council of Churches in Namibia (CCN), Windhoek. The training workshop focused on helping church leaders get in-depth understanding of, amongst others, the basic concepts of corruption, legal framework on corruption, manifestation of corruption in the church and draft action plan for the committee. About 50 church leaders attended the meeting. Various educational materials were distributed.



*Depicted with the ACC Director Mr Paulus Noa, are various Kings, Chiefs and Senior Traditional Leaders who participated in the Traditional Leaders Seminar in August 2012*

On the 10<sup>th</sup> Oct. 2012, ACC Oshakati team was invited to do a three hours presentation at ELCIN senior church leaders' workshop, which took place at ELCIN Headquarter, Oniipa. The main objective of the workshop was to review ELCIN policies in relation with corruption, to deliberate on issues that could be understood to be signs of corruption within ELCIN church and to map out strategies on the way forward for corruption sensitizations in ELCIN parishes. Various educational materials were distributed as well.

## CORPORATE COMMUNICATION

### Newsletter

The ACC developed its first quarterly newsletter. More than 1000 copies were printed, distributed and posted on the ACC website. The newsletter serves as a tool to inform and educate the public on matters related to corruption. It contains the information on the activities and programmes of the Commission, interactive quiz and puzzles as well as contact details the public can use to reach the Commission.

**Media Campaigns**

In its continuous endeavour to reach out to the community, the Commission conducted 36 live interview sessions with the National broadcaster, the Namibian Broadcasting Corporation (NBC). The objective of the live interview was to educate the public and engage them through interactive means. These programs were broadcast in English and Oshiwambo.

In addition to the live interviews, 84 adverts in each of these languages; English, Oshiwambo, Lozi, Damara/Nama, Rukavango, and Otjiherero were flighted on NBC during April 2012 to March 2013. The adverts are translated in the local language to give the entire public access to anti-corruption related information in the languages they understand.

**PRIVATE SECTOR SURVEY**

During the period under review, the ACC conducted a survey for Private Businesses including the State Owned Enterprises. The objective of this baseline survey is to establish whether participating organizations have any anti-corruption policy framework in existence to minimize occurrences of corruption. The contract to carry out this project was awarded to Polytechnic of Namibia's Centre for Enterprise Development (CED) and was partly financed by a grant from the Commonwealth Secretariat. The Commission received remarkable support and approval from the Namibia Chamber of Commerce and Industry (NCCI) to conduct this exercise among its members.

The finding of the survey is that most of the enterprises that participated in the survey have at least something pertaining to anti-corruption framework in place though the frameworks are not fully developed to cover all corruption loopholes.

The medium to national enterprises that were found to have the anti-corruption framework in place are those from the banking and financial sectors. The lowest in this category is fishing, education and agriculture.

The small enterprises with the highest anti-corruption framework in place are public works, contract and construction.

The report recommended that the enterprises develop a comprehensive anti-corruption policy framework supported by a fully operational Codes of Ethics. This will ensure a total response against corruption and hence minimize corrupt incidents in the private sector and in the country at large.

## DEVELOPMENT OF THE NATIONAL ANTI-CORRUPTION STRATEGY

The Anti-Corruption Commission (ACC) with the generous support of the United Nations Development Programme has started with the project of developing a National Anti-Corruption Strategy and Action Plan.

The purpose of the Strategy is to provide a well coordinated, holistic and integrative national approach and an anti-corruption action plan to ensure that all stakeholders pro-actively participate in the prevention of and fight against corruption in Namibia.

It will also serve as a medium to promote and inculcate a culture of ethics and integrity in all sectors.

A technical working group has been appointed, consisting of people from various sectors, whose task is to gather relevant information, critically review the draft strategy and provide suggestions and proposals to the consultant and together will draft the strategy in consultation with the Technical Working Group. An induction Workshop for the Technical Working Group took place on the 19<sup>th</sup> March 2013. It was facilitated by Mr Phil Matsheza, UNDP Global Anti-Corruption Advisor and was officially opened by the Prime Minister, Right Honourable Dr Hage Geingob.

Consultative workshops were held in all thirteen regions to solicit input and recommendations for the Strategy.



*The Prime Minister Right Honourable Dr Hage Geingob (second from left) officially opened the Technical Working Group Induction Workshop. With him in the front row are: ACC Deputy Director, Adv Erna van der Merwe, ACC Director; Mr Paulus Noa, UN Resident Coordinator; Mr Mushinga Bandora, UNDP Global Anti-Corruption Advisor, Mr Phil Matsheza and the consultant Mr Theunis Keulder.*



## CORE RESPONSIBILITIES

The Division Administration is responsible for managing the finances, procuring goods and services, providing information and communication technology services, and ensuring efficient human resources management in the ACC.

## FINANCE SERVICES

The ACC through internal control system facilitated prompt payment to its suppliers. During the period under review, 93% of the invoices received from the suppliers were paid. There are various reasons why 7% of the invoices were not paid on time. Sometimes the Department of Finance requires further clarification from the supplier before making a payment. There are also times when the suppliers make mistakes when issuing their invoices and such invoices first have to be corrected before it can be processed. The Finance Department however, endeavours to avoid unnecessary delays in the processing of all financial documentation.



**Mr Andreas Nangombe**  
Head: Administration

## HUMAN RESOURCES SERVICES

### Recruitment

During the 2012/2013 financial year, the ACC recruited three additional staff members. In addition, the Commission was granted approval by the office of the Right Honourable Prime Minister to expand its structure. The new structure provides for the creation of forty (42) new posts. Twenty-one of the new posts have been advertised and the Commission is in the process to fill these positions. The creation of new posts was necessitated by the expansion of the Commission to the regions.

### Staff Development

The table below contains training that was provided to the staff members during the period under review.

Type of Training	No of staff members trained
Middle Management Programme	3
GoCase (Case Management System)	19
International Anti-Corruption Summer Academy	1
Stock Control	4
Verification and Reconciliation of Accounting Transaction and Suspense Account	1
UFED Training	5

## HUMAN CAPITAL MANAGEMENT SYSTEM

During the financial year 2012/2013, the Commission implemented the Human Capital Management System (HCMS). The system amongst other functions enables staff members to apply for leave online.

## AFFIRMATIVE ACTION REPORT

The Commission submitted its third Affirmative Action Report and has been awarded the Affirmative Action Compliance Certificate on 4 April 2013.

## ACC HEADQUARTERS

In order to improve service delivery, the ACC is busy with the construction of its new ACC Headquarters in Mont Blanc Street, Windhoek East Constituency. The new office will have tailor-made facilities that will provide a favourable environment to both the ACC's internal and external stakeholders. The construction is about 90% complete.





**F**ighting corruption is not a quick-fix, but a never ending process as long as there are administrative rules and procedures that must be adhered to. Namibia being a country governed by laws, when allegations of corrupt practices surface, they must be investigated and if evidence is found the due process of the law takes its course.

In fighting corruption, all institutions have the responsibility to contribute to the fight against and the prevention of corruption. Corruption has far reaching and damaging economic, social and political consequences to any economy particularly, the developing economies. It undermines development. Corruption especially breeds in a culture where little action or no action at all is taken against the culprits. There must be laws, rules and regulations that prohibit and criminalize corruption and malfeasance. Equally so, transparency and accountability reduce the levels of corruption. Internal control measures must be established in both public and private sector institutions.

Where internal auditors and other control officers are not put in place, unscrupulous officials may make use of the loopholes to commit corruption. They may embezzle public money or use public money to fund projects in which they have either direct or indirect interest. With corruption, basic services to the citizens may be delayed or not provided at all. There is a correlation between violation of human rights and corruption, meaning that corruption results in disregard for human rights and a rise in organized crimes including human trafficking.

**The Public Sector** must take a leading position in the prevention of corruption, thus, the public sector is the most important building block in the anti-corruption drive. Private sector does business with the public institutions. When anti-corruption systems are well established in public institutions, opportunities for corruption are minimized. In many societies, particularly in developing societies, the public sector is the main employer and provider of essential services to the communities and as such it must lead by example for private sector to follow. When the public sector is corrupt, then the private sector finds little reason not to offer bribes to public officials.

Strict oversight in public institutions is key to detection of mismanagement and corruption. Public officials must adhere to principles of ethics and values. They must always bear in mind that they are in position of trust and are in charge of public offices and public resources and these resources must benefit the public and not their private interests. They have entered into contractual obligation with the public to deliver efficient and effective service to the public. They must promote the hallmarks of good governance which are efficiency, effectiveness, fairness, equity, transparency, responsiveness and accountability. The aforesaid principles must be adhered to by all public officials irrespective of whether a public official is appointed, elected or employed in such position. They must deliver what

they promised at the time of election, appointment or employment in the public offices. They should at all times avoid patronage and conflict of interest in the execution of official duties.

Public institutions must develop meritocratic systems in the appointment, promotion and remuneration of public officials. The culture of meritocracy reduces the perception of corruption. It also minimizes the opportunities for corruption. Introduction of internal control units within Offices, Ministries and Agencies which monitor the suspicious incidents of malfeasances, favouritism, internal budgetary activities, will pre-empt possibilities of corruption and embezzlement of public funds.

Public sector must promote greater accountability. Hence, 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 duties and systems must be administered properly because they are the source for public revenues. When strict anti-money laundering measures are not introduced, it creates chances for illicit financial outflows and organized crimes to flourish.

While government must be applauded for the policy of decentralization for taking the needed services to the people, the good purpose will be defeated if those appointed as Regional and Local Authority Councillors, CROs and CEOs do not commit themselves to the effective and efficient standard of service delivery. ACC has received numerous complaints from residents of some local authorities alleging conflict of interest, nepotism, favouritism and kickbacks. Councillors of local authorities must bear in mind that they have been elected to serve in the best interest of residents within their local authorities. Political Parties must also share responsibility for not taking action against their non-performing elected Councillors. In the end, residents become the victims of squabbles and non-delivery of essential services by local authorities.

Fighting corruption in **public procurement** should not be taken lightly. Corruption in public procurement take the form of bribery, commission or kickbacks, preparing specifications in such a way to favour a particular contractor/supplier, stealing inside information and provide it to a favoured contractor/supplier, abuse of tender exemption procedures, abuse of official position to award a contract to the preferred contractor, collusion by bidders, supply of poor or substandard goods and inflating the cost of performance after the tender is awarded. These are just a few of the examples of corruption in public procurement. When corruption becomes endemic in the procurement system, it is destructive to the economy. The laws and regulations on procurement must be reviewed to extensively prevent corruption in the public procurement system.

Similarly, the granting of licences and various other official documents by public officials are potentially vulnerable for corruption. Sectors such as mining are industries that contribute to the

public revenues. Mining is as well a sector that is vulnerable to corruption. Namibia has become a hub for oil exploration. The issuing of exploration licences if it is not managed transparently may create the conditions that are not beneficial to the economy of the country. Natural resources ought to benefit the Namibian people. There must be high standard of transparency and accountability in extractive industry exploration. Laws and regulations must meet international standards. Measures aimed to deter, detect and punish corruption have to be introduced.

**The Judiciary** is one of the public institutions that plays a pivotal role in the prevention against corruption. When the judiciary operates effectively, independent from public influence, the message courts send across through the punishment meted out against the culprits serve as deterrence. Courts are responsible for making sure that fundamental rights are upheld and procedures are followed in awarding tenders to contractors. Corruption in a legal system has a devastating effect on the economy. Where the dispensation of justice is being unduly delayed the message the courts send out may not serve its full useful purpose. The credibility of the State may as well be undermined. A functioning and effective judiciary is paramount for the drive against corruption.

Just like the judiciary, **Parliament** plays a crucial role in overseeing the actions of the Executive branch of Government. Parliament has a duty to hold public institutions accountable and thereby reduce corruption. Parliament represents the people and thus lawmakers must exercise their mandate to enact effective anti-corruption laws. Legislative measures against corruption should not be limited to the Anti-Corruption Act and ACC alone. Corruption is a broad phenomenon that takes different shapes. The causes of corruption are wide-ranging, thus require wide-range circumvention. Something critical to bear in mind is that corruption is a hidden crime. Often all parties involved have an interest in keeping the deal hidden. Evidence to proof corruption most of the time is circumstantial making investigation against corruption a great challenge.

With regard to the **Private Sector**, good corporate governance is fundamental to prevention of corruption and subsequent promotion of business ethics. Though private-to-private corruption does take place, corruption in the private sector commonly takes place in the interface with the public sector. The most common forms of corruption in the private sector are fraud and bribery. The private sector is the supplier of services to the public sector. Sometimes, it takes officials from the private sector to offer bribes to officials in public sector or public officials in public sector demanding bribe from the private sector in exchange for awarding of tenders.

To prevent corruption in the private sector, proper internal controls, codes of conduct and policies that provide for sanctions must be developed. Adequate training of employees on ethics is a paramount requirement in both the public and private sector. Among some of the factors that contribute to

corruption are the lack of transparency, over-regulation, lack of enforcement of codes of ethics, lack of checks and balances, poor auditing standard, low salaries and greed.

Prevention of corruption is not the responsibility of public sector or government alone. Business community is an indispensable partner.

Since corruption occurs at the interface of the public and private sector, it is incumbent upon both sectors to introduce education and awareness programs on the danger of corruption. Both sectors must introduce legislation and policies that promote disclosure and reporting of information on suspicion of corruption. When report is made in good faith, there should be no retribution or victimization against the whistleblower.

**Whistleblowers** can serve as deterrents to unlawful activities, thereby increasing the level of transparency in society. In the environment where the world shrunk into a global village and trade interactions have increased, the protection of whistleblower has become of a necessity. A legal whistleblower protection system will create a comfortable environment for the exposure of illicit financial transactions including corruption. Whistleblowers when unprotected may suffer reprisals such as disciplinary action or dismissal from employment, loss of opportunity for promotion, harassment, and an unwarranted lawsuit for defamation or breach of confidence or secrecy. Whistleblower protection does not however imply that those who maliciously defame the reputation of innocent persons will not face legal consequences. Legal actions may be instituted against them. They are expected to be *bona fide* in their reporting. In the same vein, Namibians must become courageous to expose and report corruption. Through this determination corruption can be eliminated and transparency gets entrenched.

Finally, government must continue adequately funding the law enforcement agencies as well as the judiciary. By providing adequate resources, the capacity of the institutions will be strengthened through specialized trainings. Technology is fast advancing so is cyber-related crimes. Investigating officers need to undergo relevant trainings to keep them up to date with new techniques.

Together we can make corruption a low gain and high risk undertaking.

NOTES



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BE PART OF THE FIGHT!

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