

Annual Report 2009 - 2010

Anti-Corruption Commission



ANTI-CORRUPTION COMMISSION TOP MANAGEMENT

Mr Paulus K Noa
Director



Adv Erna L van der Merwe
Deputy Director



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FOREWORD BY THE DIRECTOR



The Annual Report 2009-2010 marks another year of activities for the Anti-Corruption Commission (ACC). The mandate of the Commission is provided for under the Anti-Corruption Act, 2003 (Act No. 8 of 2003). This Act came into operation on the 15th of April 2005.

During the period under review, the Commission was able to increase its activities in both the area of investigation and that of public awareness campaigns against corruption. The Commission visited many public places including schools and Regional and Local Authorities where workshops were held for the learners and officials. Brochures and other educational materials disseminating information on the evil and dangers of corruption were distributed among participants during the various workshops held by the Commission. It is quite encouraging that members of the public have been actively participating in these campaigns aimed at effectively curbing corruption. Not only that they participated, but they are ultimately now blowing the whistle when they observe any conduct that they suspect constitutes corruption. Today many Namibians know where and how to report to the Commission.

The Commission continues to observe the International Day against Corruption which is commemorated annually on 9th December as by the United Nations General Assembly Resolution 58/4 of 31 October 2003 in order

to raise awareness of corruption and of the role of the United Nations Convention against Corruption (UNCAC) in combating and preventing corruption. Members of the public participate in this annual event in big numbers. The Commission also launched its website in an effort to spread the anti-corruption messages electronically and much easily. I thank the Hanns Seidel Foundation for the financial support that enabled the Commission to develop and sustain the website for the period under review.

In order for the Commission to intensify its investigation activities, additional investigating officers were appointed. Since then, there has been considerable improvement in terms of expediting the finalization of many complaints reported to the Commission. The Commission further engaged many offices, ministries, agencies and other public institutions on administrative matters that were reported to it. The establishment of the Commission's office in Oshakati has effectively improved its service delivery. Plans are underway to establish similar regional offices elsewhere.

A strong determination and commitment by our Government to ensure the sustainability of the development process is highly commendable. In this regard, one of the measures to ensure a consistent sustainability of the overall development of our country is to redouble our efforts in the fight against corruption. As I said in previous annual reports, the fight must be a combined effort by all sectors of our society. Corruption is a crime against the well-being of the public. It hurts everybody. It is a wrong committed against everybody irrespective of the person's status in the society. The economy of this country can only grow when citizenry declares zero tolerance for corruption. Therefore, the Commission continues to intensify its efforts to ensure that corruption cannot impede the process of economic development and democratization. We are all aware of the wide range of corrosive effects of corruption on society. Corruption is a barrier to economic progress. It exacerbates poverty and undermines democracy. With corruption fair administration of justice may be undermined as well.

The public has been rallying behind the Commission and this is a clear testimony that they have come to realize that the battle against corruption cannot succeed without their active participation. The battle must not be seen as an exclusive responsibility of the Commission and the Government alone. I must commend those who have supported the efforts of the Commission. Through the public participation the Commission made positive achievements. The Commission further joined partnership with Church community and other civil society organizations. Such a coalition is very important inasmuch as we have one common goal, to make Namibia a corrupt-free country.

At regional and international level, we have been able to strengthen and sustain cooperation with our counterparts. Particularly, ACC is a member of the Southern African Forum Against Corruption (SAFAC) and the International Association of Anti-Corruption Authorities (IAACA). Through these Forums and other interactions related to anti-corruption matters, we were able to consult and exchange information on best practices and strategies in combating and preventing corruption.

We also focused on building the capacity of the officials, especially in the Directorate of Investigation and Prosecution. Corruption nowadays is perpetrated through advanced technological means, and therefore the investigating officers have to undergo training to keep them abreast with the latest investigation techniques.

Beside the achievements, much more still needs to be done in the fight against corruption. Our aspirations should therefore be to effectively combat and prevent corruption, increase efficiency in public service delivery, overcome unnecessary bureaucratic red tape and enhance good governance and business ethics. In this regard, the whole governing system must be strengthened. The strength and effectiveness of the public sector guarantee good governance. Time has come that laws on access to information, declaration of assets of political office bearers and senior public officials, funding of political parties and protection of whistleblowers are passed by lawmakers as a matter of priority. Not only passed but also enforced to the letter. These are the commitments we set for ourselves when our government acceded to the regional and international legal instruments on corruption. The capacity of all public sector oversight institutions must be strengthened. Strengthening the capacity of oversight institutions is a pragmatic approach to combating corruption and maintaining good governance.

The public is the general anti-corruption watchdog that checks and exposes corruption. Therefore all of us must actively take part in the fight against corruption. We all have a duty to create a strong anti-corruption climate and ethos in Namibia. Through that we reduce the opportunities for corruption. Only when we uphold the integrity of the public and private administrations can the economy grow to the benefit of all Namibians.

Finally, we must all have every intention to make sure that Namibia is free of corruption. What we all should remember is that corruption is a symptom of moral decay in a society. The Republic of Namibia has gradually come of age and it should no longer be business as usual. In the spirit of nationhood and patriotism, let us resist, reject and report corruption.



Paulus Kalomho Noa
Director: Anti-Corruption Commission

ACC PROFILE

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

The Commission

The Anti-Corruption Commission is established by the Anti-Corruption Act, 2003 (Act No. 8 of 2003) as an independent body. It is however also a government agency as contemplated in the Public Service Act, 1995 (Act No. 13 of 1995). 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 directorates and division:

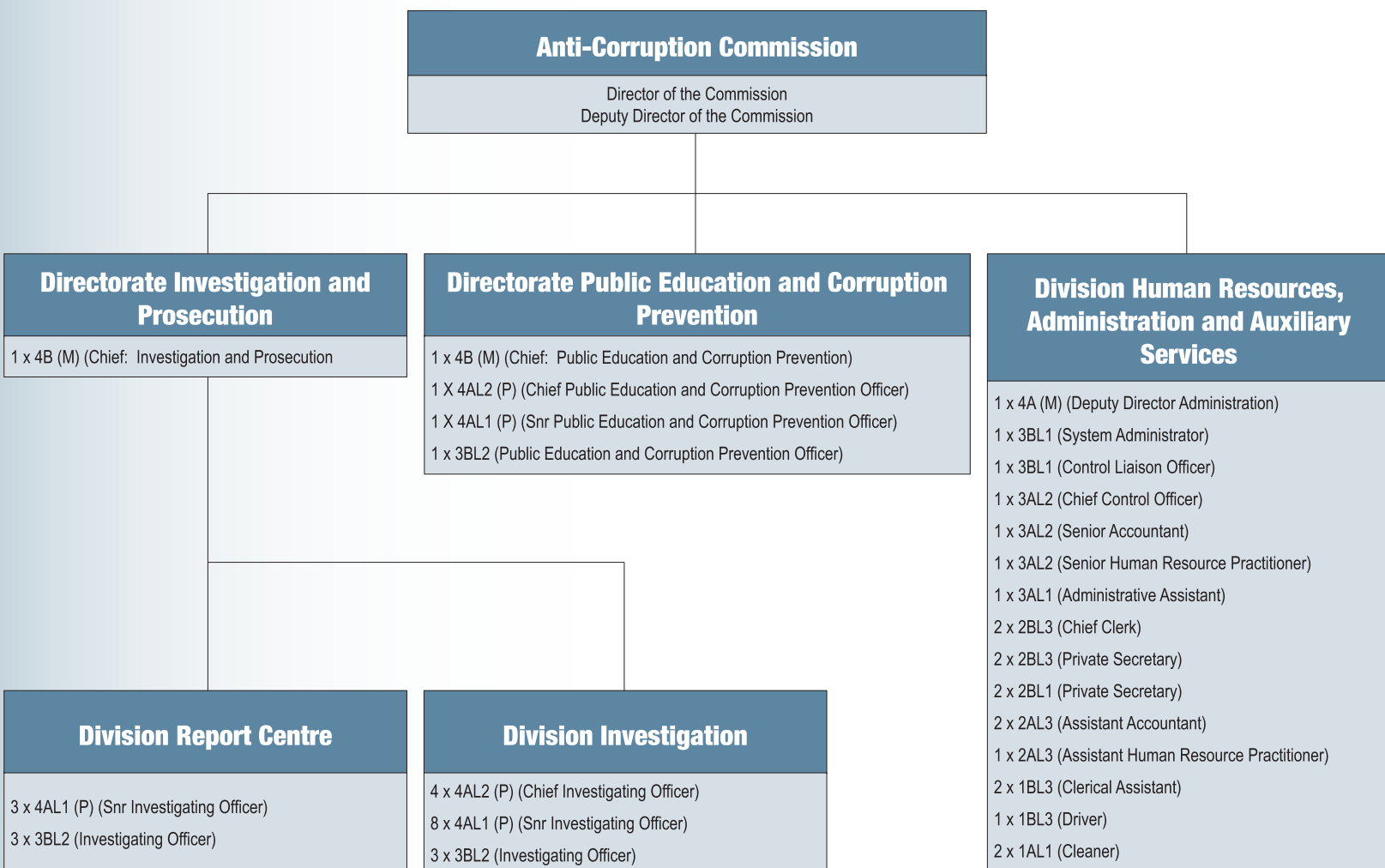
- Directorate Investigation and Prosecution
- Directorate Public Education and Corruption Prevention
- Division Human Resources, Administration and Auxiliary Services

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:
 - o Conduct constituting corruption; or
 - o 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.



DIRECTORATE OF INVESTIGATION AND PROSECUTION

Core responsibilities

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

- receiving, processing and analysing of reports of alleged corrupt practices
- investigating matters that raise reasonable suspicion that conduct constituting corruption has occurred or is about to occur
- arresting and arraigning of suspects of corruption
- liaising with prosecutors to ensure successful prosecution

This Directorate comprises two divisions, namely the Division Report Centre and the Division Investigation.

Statistical trends

Modes of reporting corrupt practices during the 2009/10 financial year

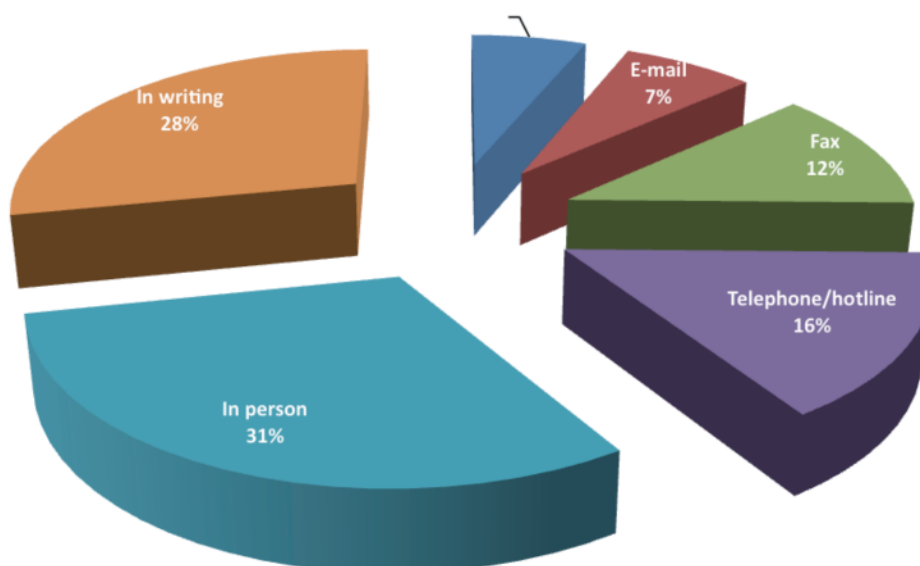
Corrupt practices are reported to the ACC's Report Centre in person, or in writing via post, e-mail or facsimile, or telephonically. The figure below shows that most whistleblowers prefer to report corruption to the ACC in person whilst the least popular mode of reporting appears to be via e-mail. The information so received by the ACC is analysed and if the conduct reported on falls within the ambit of the definition of a corrupt practice contained in Chapter 4 of the Anti-Corruption Act, 2003, the said division conducts either a preliminary investigation or a full scale investigation. 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.



Mr Nelius Becker

Head: Investigation and Prosecution

Figure 1: Modes of reporting corrupt practices to the ACC during 2009/10

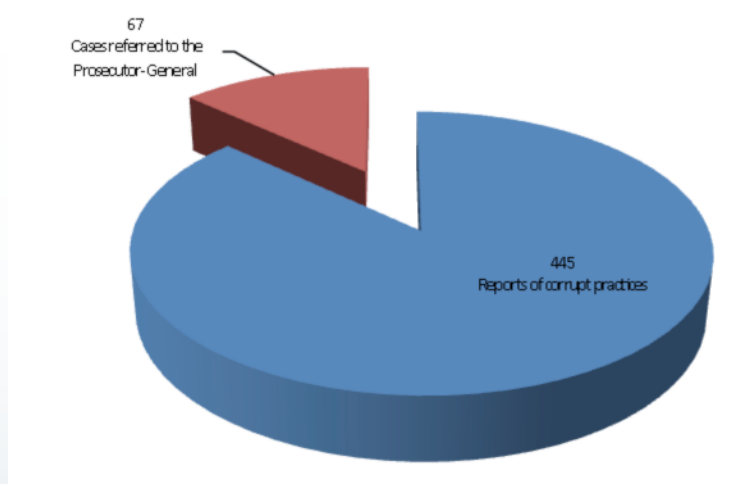


Number of reports received and cases referred to the Prosecutor-General during the 2009/10 financial year

During the period under review –

- 445 reports of alleged corrupt practices were received by the Directorate of Investigation and Prosecution; and
- 67 cases were referred to the Prosecutor-General with a recommendation that criminal prosecution be instituted

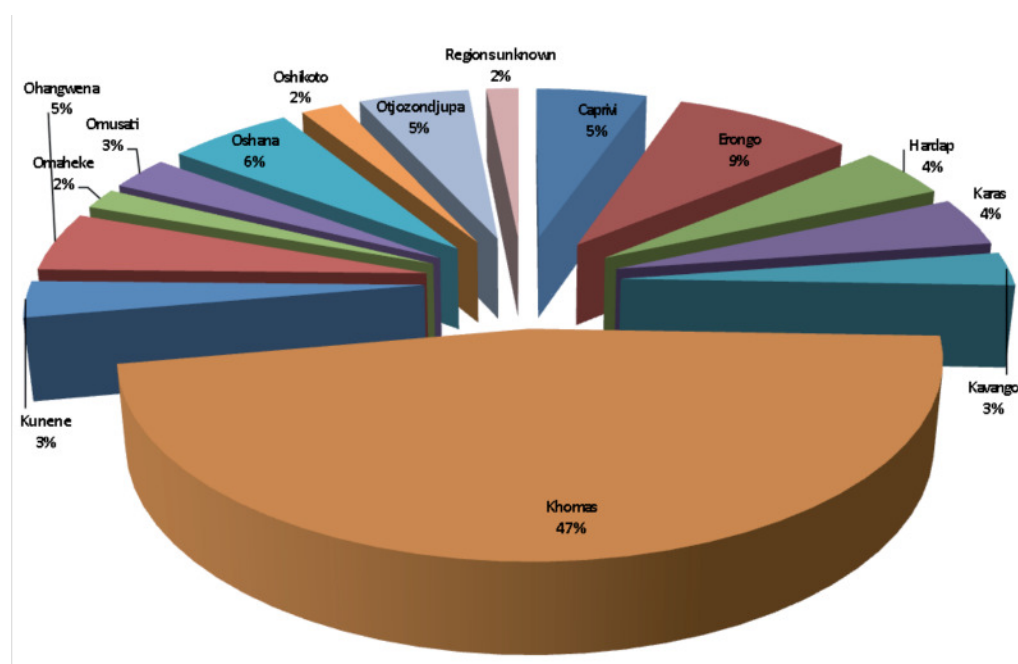
Figure 2: Number of reports of alleged corrupt practices received and cases referred to PG during 2009/10



Geographical breakdown of reports received for the 2009/10 financial year

The figure below shows the geographical breakdown of reports of alleged corrupt practices received by the ACC during the period under review. As is evident from the said figure, the vast majority of reports have a bearing on the Khomas Region where the capital is situated.

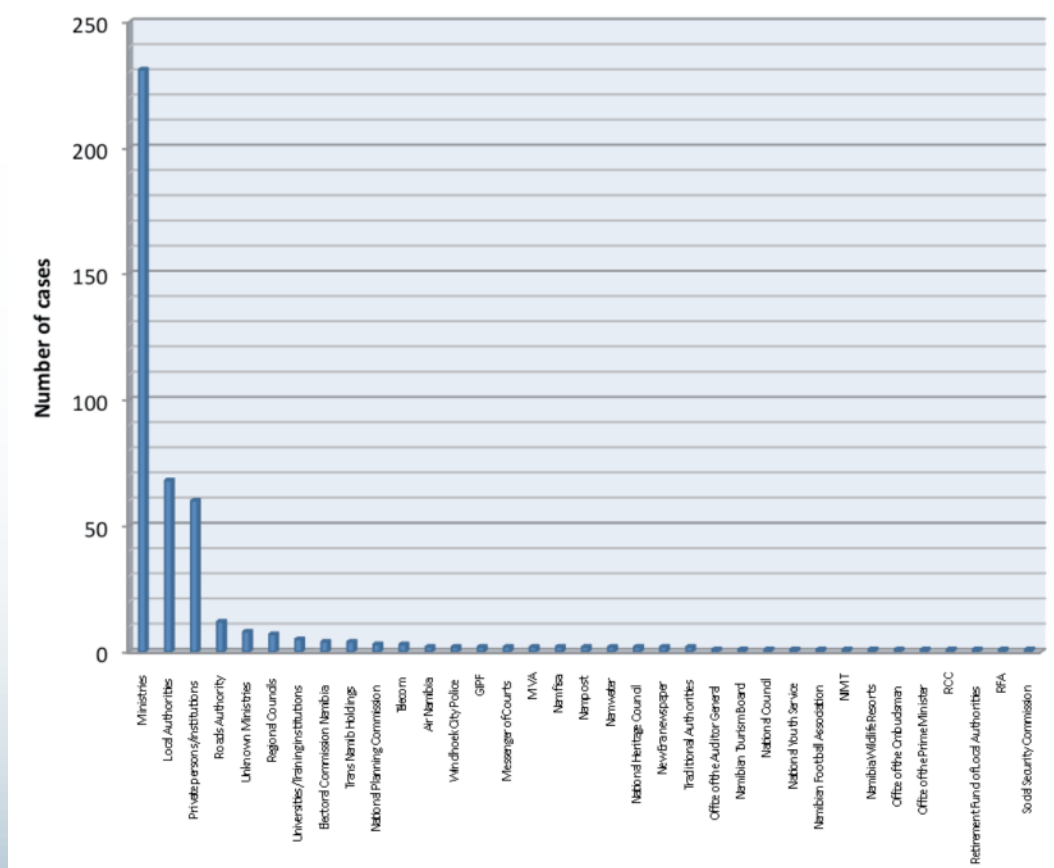
Figure 3: Geographical breakdown of reports of alleged corrupt practices received during 2009/10



Institutions implicated in the reports for the financial year 2009/10

The figure below shows that the three categories of institutions in respect of which the most reports of alleged corrupt practices were received by the ACC during the period under review are government ministries, local authorities and private persons or institutions.

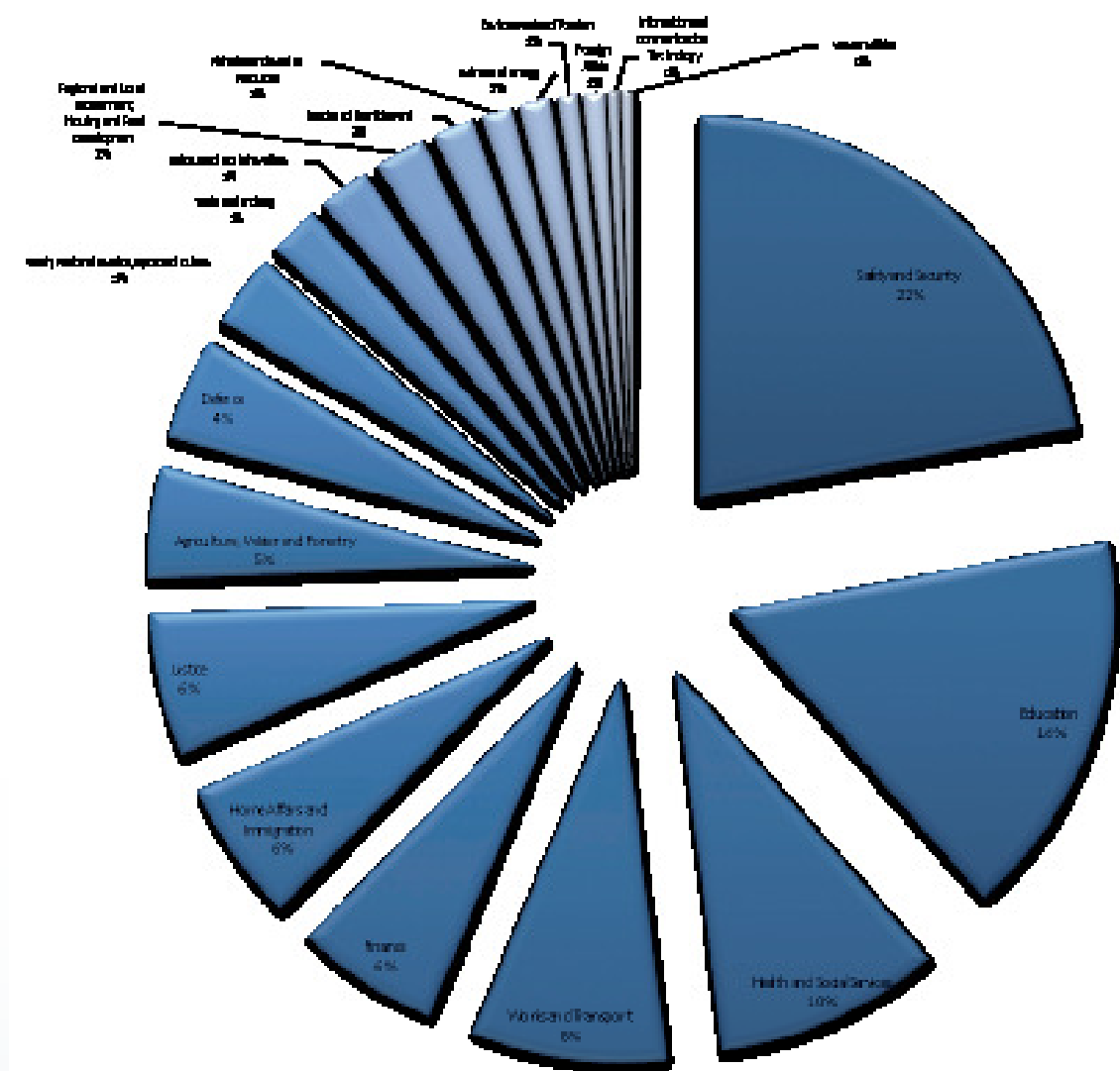
Figure 4: Institutions implicated in the reports of alleged corrupt practices for 2009/10



Breakdown of reports received in respect of ministries for the financial year 2009/10

The figure below shows that during the period under review the four government ministries in respect of which the most reports of alleged corrupt practices were received by the ACC are in order from highest to lowest the Ministry of Safety and Security, the Ministry of Education, the Ministry of Health and Social Services and the Ministry of Works and Transport.

Figure 5: Breakdown of reports of alleged corrupt practices received in respect of ministries for 2009/10



Reports by regional and local authorities for the financial year 2009/10

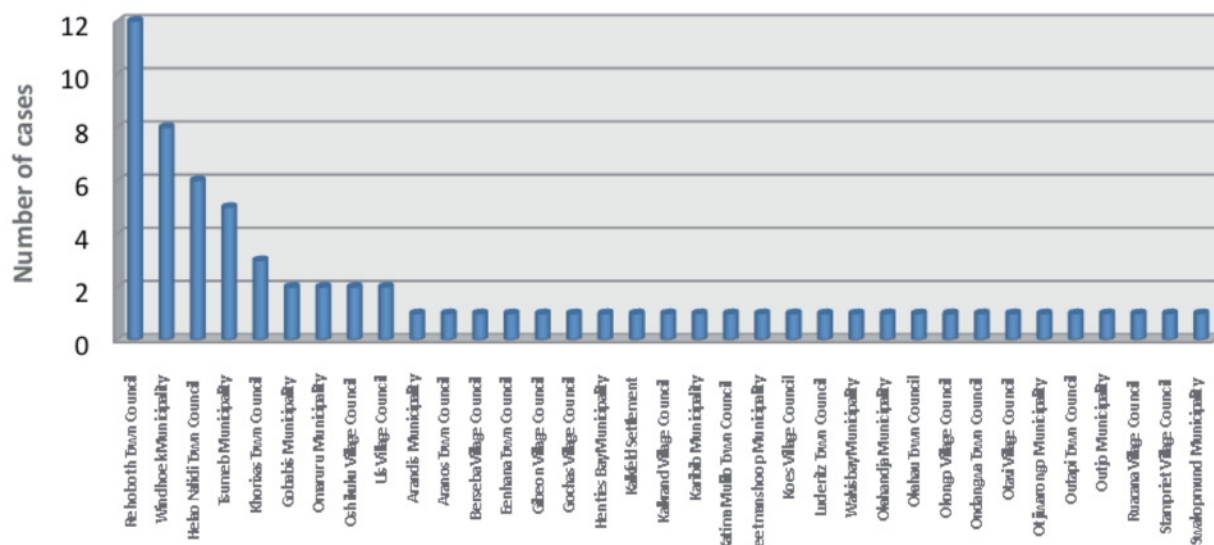
The figure below shows, in order from highest to lowest, the approximate number of reports of alleged corrupt practices received by the ACC during the period under review in respect of regional and local authorities.

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The figure below shows that the five local authorities in respect of which the most reports of alleged corrupt practices were received by the ACC during the period under review are Rehoboth Town Council, Windhoek Municipal Council, Helao Nafidi Town Council, Tsumeb Municipal Council and Khorixas Town Council.

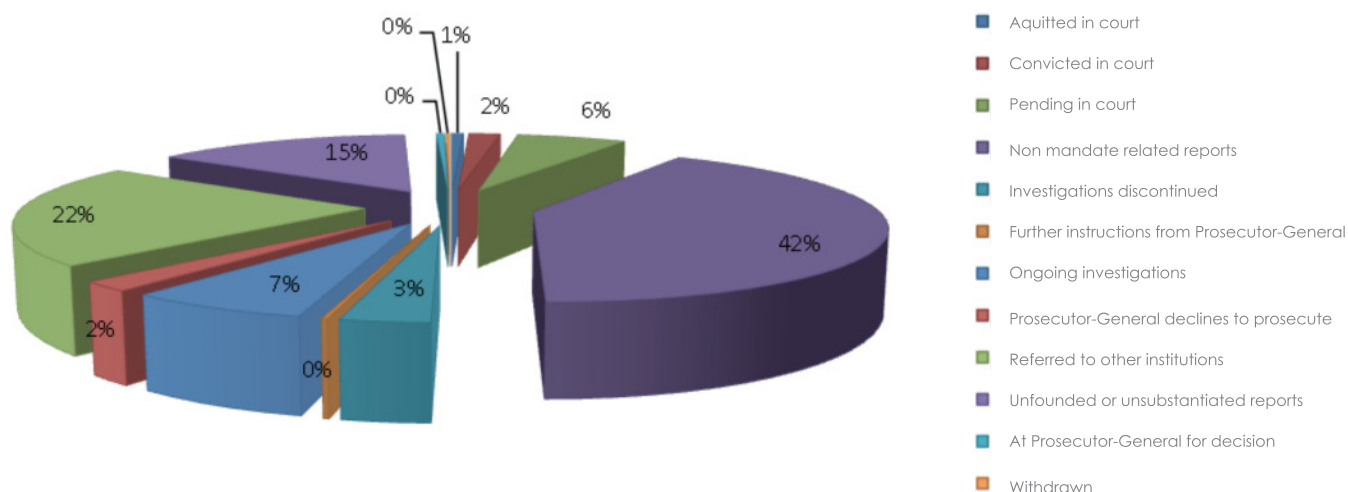
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Final outcome in respect of reports received for the financial year 2009/10

The figure below shows that the majority of reports received by the ACC during the period under review were non mandate related. The ACC believes that with its continued public education campaigns there will, in respect of the next period of review, be a significant reduction in the number of reports that are non mandate related.

Figure 8: Outcome in respect of reports of alleged corrupt practices received for 2009/10



DIRECTORATE OF PUBLIC EDUCATION AND CORRUPTION PREVENTION

Core responsibilities

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

- o to educate the public on the evils of corruption and to foster ethical values. This is done through training and integrity related workshops that are tailor-made to meet the needs of target groups.
- o 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 or reoccurrence of corruption.

Raising Public Awareness on the Risks of Corruption





During the period under review the Directorate of Public Education and Corruption Prevention has undertaken the activities mentioned below as part of its mandate to educate and sensitise the public on the dangers of corruption.







Ms Namupa Nengola
Head: Public Education and Corruption
Prevention

The table below indicates the areas where, and the period during which ACC Public Education Officials had anti-corruption sensitization activities with the youth.

Region	Target Group	No. of participants	Period
Kavango Rundu	Youth against Corruption Seminar: Out of school youth 	22	16 April 2009
	Dr Romanus Kampungu High: Staff and students 	300	17 April 2009
Khomas Region: Windhoek	Jan Mohr High School: Staff and students 	858	10 June 2009

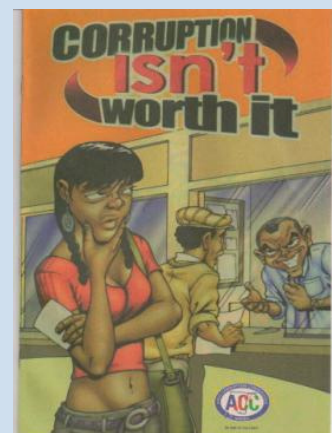
Khomas Region: Windhoek	Hage Geingob High School: Staff and students 	675	12 June 2009
	Eldorado High School: Staff and students 	500	9 September 2009
	Ella du Plessis High School: Staff and students 	300	26 October 2009
Khomas Region: Aris	Aris Primary School: Staff and students 	150	28 February 2010

Caprivi Region: Katima Mulilo	Katima Mulilo Youth Resource Centre: Out of school youth 	31	16 June 2009
	Caprivi Secondary School and Mavuluma Secondary School: Staff and students 	1200	17 June 2009
	Ngwezi Secondary School and Kitziro Secondary School: Staff and students 	190	18 June 2009
	Caprivi College of Education and Zambezi Vocational Training Centre: SRC 	14	19 June 2009

Karas Region: Keetmanshoop	JA Nell Secondary School: Staff and students	700	2 March 2010
	Suiderlig Secondary School: Staff and students 	750	2 March 2010
Hardap Region: Mariental	Danie Joubert Secondary School: Staff and students 	200	3 March 2011
	Mariental High School: Staff and students 	820	3 March 2011

ANTI-CORRUPTION BOOKLETS FOR THE YOUTH

The ACC developed 50,000 anti-corruption booklets "Corruption isn't worth it" for Grade 8 to 10 learners. These booklets were given to NIED for distribution to schools throughout the country. It is believed that through these booklets learners will be sensitized on the detrimental effects of corruption and the importance of working together to build a future that is free of corruption.







© Outreach programme for, and activity with, the Church


	Target Group – Church Leaders	Period
Khomas Region	<p>The ACC hosted a seminar for the church leaders at Greiters Conference Centre in the Khomas Region. It was a follow-up seminar on the Church Leaders Seminar held on 10 June 2008. The ACC organized the seminar as it recognizes the important role that the church can play in the fight against corruption. The church is the vehicle for promoting moral and ethical values in society. The church is required to speak out against dishonesty, unfairness and injustice as these are the vices of corruption. The voice of the church must continuously be heard to avoid breeding ground for corruption and a total breakdown in the moral and ethical values of the Namibian society.</p> 	25 March 2010

© Outreach programmes for, and activities with, officials from the Public Service and from Regional and Local Authorities

The table below indicates the areas where, and the period during which ACC Public Education Officials conducted sensitization workshops and training sessions for officials of the Public Service and of Regional and Local Authorities

Region	Target Group	No. of Participants	Period
Caprivi Region	<p>Customs and Excise Officials from the Ministry of Finance and Immigration Officials from the Ministry of Home Affairs and Immigration.</p> 	16	15 June 2009
	<p>Regional and Local Authority Representatives and Staff from the Lux Development Project.</p> 	53	12 March 1010
Khomas Region	<p>Members of the Namibian Police Force attended a workshop held at the Patrick Iyambo Police Academy.</p> 	25	20 May 2009

Khomas Region	Military personnel of the Osona base.	30	11 September 2009
	Customs and Excise officials of the Ministry of Finance.	20	22 September 2009
	NAMCOL staff members. 	15	28 October 2009
	NAMCOL staff members.	25	29 October 2009
	NBC Managers of Administration and Radios and Television Divisions.	8	5 March 2010
	NBC Commercial Division Staff members.	25	18 March 2010
Karas Region	Representatives of the Lüderitz Town Council. 	13	14 October 2009

Hardap Region	Representatives of Mariental Town Council. 	15	15 October 2009
Otjozondjupa Region	NAMCOL Regional Heads of Department.	25	15 October 2009
Omaheke Region	Representatives of Gobabis Town Council.	23	3 November 2009

© **Outreach through the print and electronic media**

Anti-corruption messages were disseminated through the print and electronic media to create awareness on the detrimental effects of corruption and to solicit the support of the public in the fight against corruption.

Newspapers, Magazines and Radio and Television Adverts and Interviews		
Month	Adverts/Interview	Media House
April	Information on the ACC	Flamingo Magazine
May	Advert aimed at curbing the misuse of government resources	NBC Television
	Awareness raising in preparation of the Great Walk against Corruption	The Namibian Newspaper
	Awareness raising in preparation of the Great Walk against Corruption	One Africa Television
	Integrity within the sport fraternity	The Namibian Newspaper Special Edition
September	30 Second Anti-Corruption Adverts	NBC National, Oshiwambo, Otjiherero, Damara/Nama, Lozi and Rukavango Radio Services
December	Live Broadcast by NBC Radio: Commemoration of the International Anti-Corruption Day in Swakopmund	NBC National, Oshiwambo, German and Afrikaans Radio Services

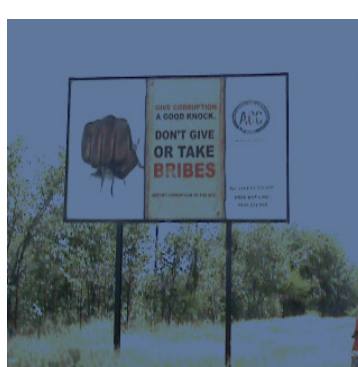
December	Radio Interview pertaining to the International Anti-Corruption Day Commemoration	NBC National and Oshiwambo Radio Services
	Awareness raising on the International Anti-Corruption Day Commemoration	New Era Newspaper
January to December	Anti-Corruption Advert/Message	City of Windhoek Diary

Billboards

Billboards displaying anti-corruption messages have been erected during the period under review and further billboards are in the process of being erected at strategic points throughout the country.



Walvis Bay Billboard



Oshakati Billboard



Billboard at Hosea Kutako International Airport



Billboard inside the Hosea Kutako International Airport

Division Human Resources, Administration and Auxilliary Services

Core responsibilities

The Division Human Resources, Administration and Auxilliary Services is in short responsible for managing the finances, procuring goods and services, providing information and technology services, and ensuring efficient human resources management at the ACC.

Finance services

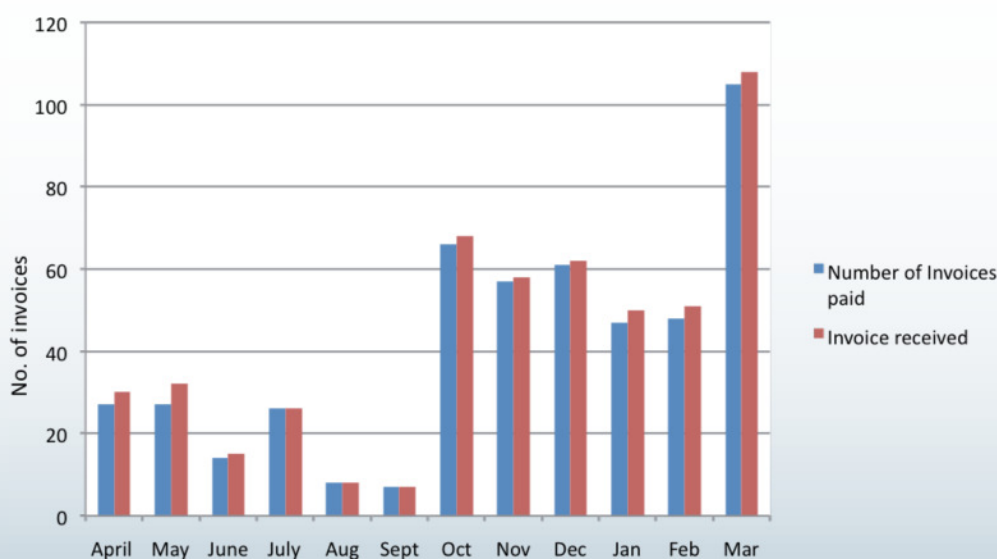
The ACC through internal control systems facilitated prompt payment to its suppliers. During the period under review the ACC received and paid its suppliers as follows:



Mr Andreas Nangombe
Head: Human Resources, Administration
and Auxiliary Services

	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Number of Invoices paid	27	27	14	26	8	7	66	57	61	47	48	105
Invoice received	30	32	15	26	8	7	68	58	62	50	51	108

Payment of suppliers within 30 days



Human resources services

○ Recruitment

During the period under review the ACC recruited 12 additional staff members.

○ Staff development

The training below was provided to the ACC staff members during the period under review.

Type of training	No. of staff members trained
Electronic Document and Record Management	2
Monitoring and Evaluation of Public Programme and Information Systems	2
Management of Human Resources and Payroll	3
Middle Management Development Programme	1
Record Management Practice	5
GRN Asset Register Training on Oracle Asset Functions	3
Electronic Document and Record Management	4
Information Management System: Virementation	1

Administration services

The ACC has a fleet of vehicles and with due diligence and controls the ACC vehicles were well utilized.

Information and technology services

Through well maintained internet and e-mail connectivity the ACC was able to share information on the ACC both within and beyond national borders.

NATIONAL AND INTERNATIONAL SUPPORT AND ENGAGEMENTS

ACC NATIONAL INTERACTION

The Great Walk against Corruption

During the period under review the ACC, in collaboration with Women's Action for Development (WAD), launched a project titled "The Great Walk against Corruption". The aim of the project was to engage people from different sectors of society in the fight against corruption. Approximately 2,000 people took part in this march against corruption on 28 May 2009 in the capital. The march ended with a main event at the Parliamentary Gardens. During the main event Honourable Willem Konjore, Minister of Youth, National Service, Sport and Culture, delivered a keynote address on behalf of His Excellency, President Hifikepunye Pohamba. The ACC Website "www.accnamibia.org", sponsored by the Hanns Seidel Foundation, was also launched during this event by Honourable Minister Konjore. The march and main event were well attended which serves as a clear demonstration of the public support that the ACC is enjoying in the fight against corruption.







Commemoration of the International Day against Corruption

On the 9th of December 2009 the ACC commemorated the International Day against Corruption with a March against Corruption in the coastal town of Swakopmund in the Erongo Region. A cross section of people took part in the march. The march commenced in the centre of town and ended with an event at the Tamariskia Town Hall in Swakopmund. Amongst those that joined the ACC in the Commemoration of the International Day against Corruption were the Mayor of Swakopmund, Her Worship Germina Shitaleni, the Governor of the Erongo Region, Honourable Samuel Nuuyoma, the Erongo Regional Commander of the Namibian Police, Festus Shilongo, the NDP representative, the Acting Secretary General of the National Youth Council, Mandela Kapere, the Chairperson of the Swakopmund Branch of the Namibia Chamber of Commerce and Industry (NCCI), Ms Pam Miller. The aim with the project was to engage especially the people of the coastal region in the fight against corruption.





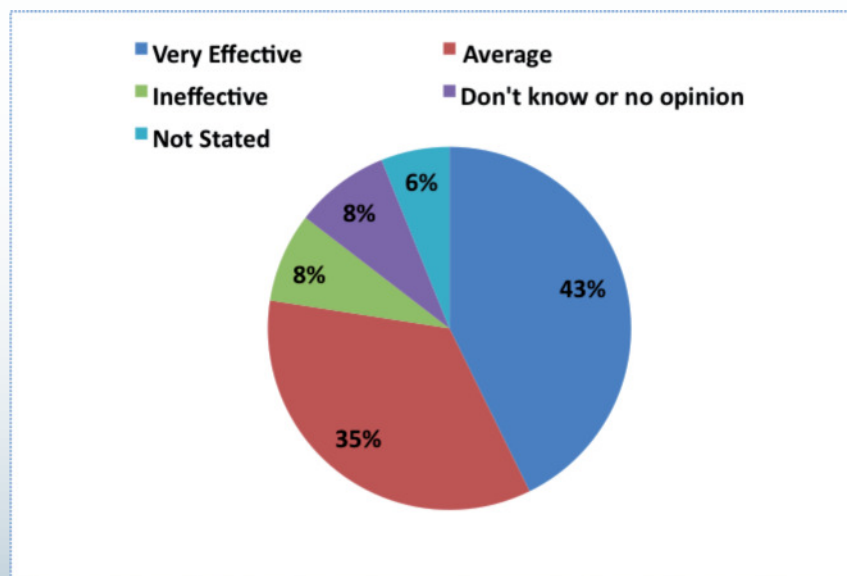
Ongwediva Trade Fair

A mini survey was conducted by the ACC on the 213 individuals that visited the ACC Stand at the Ongwediva Trade Fair. The tool used to collect the data was a questionnaire that the individuals had to complete. The purpose of the survey was to, amongst others, establish the satisfaction or dissatisfaction with the work of the ACC.



Ongwediva Trade Fair Findings on “The effectiveness of the Anti-Corruption Commission”:

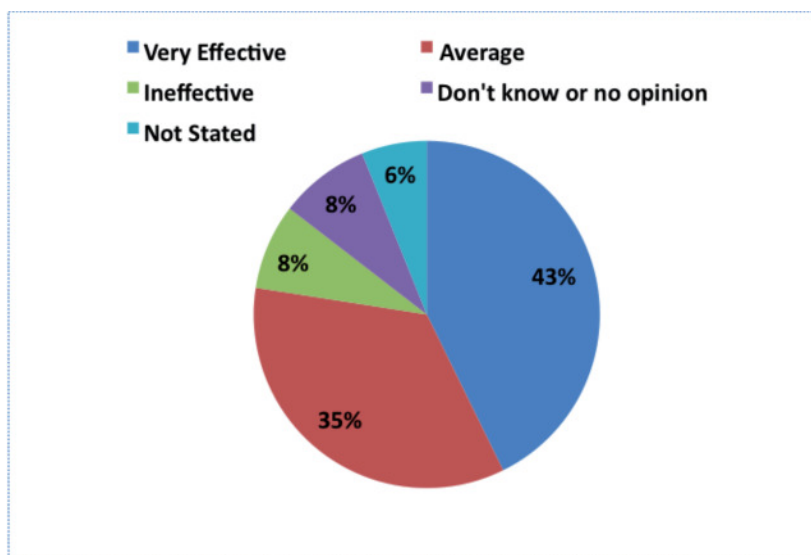
It is encouraging to note that the majority of persons that attended the ACC’s stand at the Ongwediva Trade Fair recognize the value of the work performed by the Commission.



Windhoek Show

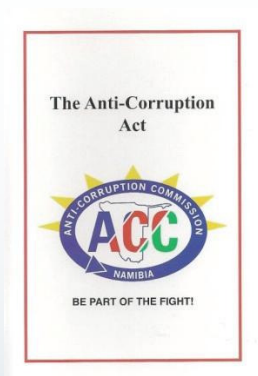
A mini survey was conducted by the ACC on the 219 individuals that visited the ACC Stand at the Show. The tool used to collect the data was a questionnaire that the individuals had to complete. The purpose of the survey was to, amongst others, establish the main reason why some persons are hesitant to report corruption.

Windhoek Show Findings on “ The reason why people do not report corruption”:



It is worthwhile taking note that 48% of the persons that attended the ACC's stand at the Windhoek Show are of the view that fear is the reason why people refrain from reporting corruption.

Reprinting of the Anti-Corruption Act Pocket Book



During the year under review the Hanns Seidel Foundation Namibia sponsored the printing of ten thousand copies of the Anti-Corruption Act Pocket Book. These Pocket Books are distributed by the ACC during its awareness raising workshops in an effort to educate the public on corruption and to prevent corruption.

Brochure Holders at Hosea Kutako International Airport



The Airports Company is, as part of its social responsibility, allowing the ACC to disseminate information to the public free of charge through the placing of two brochure holders at the Hosea Kutako International Airport. One such brochure holder is placed at the information counter of the Airports Company and the other in the boarding hall of the airport.

ACC INTERACTION WITH REGIONAL AND INTERNATIONAL ENTITIES

Africa Public Service Day Continental Celebrations

Public Service Day is celebrated by all African countries on the 23rd of June every year in appreciation of the work that is being done by the public service sector in furthering socio-economic development. Tanzania acted as host for the 2009 Africa Public Service Day Celebrations that took place in Dar es Salaam from the 15th to the 19th of June 2009. The theme for the celebrations was: "Fostering Partnership and Collaboration for Sustainable Development and Improved Service Delivery in Africa". Exhibitions of activities and services by Government Institutions from African Countries were held at the Mnazi Mmoja Grounds in Dar Es Salaam. The ACC formed part of the Namibian Government Institutions Delegation that attended the Africa Public Service Day Continental Celebrations in Dar Es Salaam and that had an exhibition of the activities and services of Namibian Government Institutions.



Delegates from African Countries attending the Africa Public Service Day Continental Celebrations in Dar es Salaam, Tanzania

Programme on the Fight against Corruption



The delegates from Namibia, Kenya, South Africa and Tanzania photographed with the Head of the Hanns Seidel Foundation and his Heads of Department for Sub-Saharan Africa and Namibia in front of the Hanns Seidel Foundation's headquarters in Munich

The ACC Director and Deputy Director participated in a sponsored Programme on the Fight against Corruption during the period 29 June 2009 to 3 July 2009 in München in Germany. The Hanns Seidel Foundation sponsored delegations from Namibia, Kenya, South Africa and Tanzania's anti-corruption related agencies and media representatives to attend the five day programme. The Programme included meetings with the following institutions and officials: The Head of the Hanns Seidel Foundation and its Head of Department for Sub-Saharan Africa; the Head of the Budget Committee of the Bavarian Parliament; the Office of the Bavarian Auditor-General; Officials from the Headquarters of the Ministry of Justice; Officials from the Prosecutor-General's Office; Officials from the Anti-Corruption Unit of Siemens; the Mayor and

Public Accounts Committee of the Municipality of Ismaning; the Rate Payers' Association; and a meeting with representatives of the political party the CSU.

International Conference "Creating Conditions for Sustainable Economic and Social Development in Eastern Europe and Central Asia: Fighting Corruption and Promoting Good Governance"

Upon invitation received from the Agency of the Republic of Kazakhstan on Fighting Economic and Corruption Crime (Financial Police) and the OECD (Organisation for Economic Cooperation and Development) Anti-Corruption Network for Eastern Europe and Central Asia (ACN), the ACC Director attended the above-mentioned conference held in Astana, Kazakhstan from 16 to 18 September 2009. The conference provided a forum to exchange experiences and best practices on prosecution of transnational bribery; preventing corruption in public procurement and higher education; the role of good governance for private sector development and investment promotion. In addition, the conference provided an opportunity for networking and building contacts. The Kazakhstan organizers covered the sponsored the cost pertaining to the ACC Director's attendance of the conference.



Third Session of the Conference of State Parties to the United Nations Convention against Corruption (UNODC)

The ACC Director, an ACC Chief Public Education and Corruption Prevention Officer and the First Secretary: Permanent Mission of Namibia to the United Nations Office in Vienna formed part of the Namibian delegation that attended the Third Session of the Conference of State Parties to the United Nations Convention against Corruption held in Doha, Qatar from 9 to 13 November 2009.

National Forum against Corruption, Kinshasa, Democratic Republic of Congo

A National Forum against Corruption was held in Kinshasa, Democratic Republic of Congo during the period 13 to 20 December 2009. The purpose was to provide for a concerted National Anti-Corruption Strategy for the Democratic Republic of Congo. Upon invitation representatives from anti-corruption authorities from countries such as Namibia, Benin and South Africa participated in the forum. GTZ sponsored all costs pertaining to the attendance of the said representatives.



Courtesy call by Sudanese Legislative Assembly

During 2009 the ACC received a courtesy call from members of the Sudanese National Assembly and National Council.

Study tour by Zimbabwe Anti-Corruption Authority

During 2009 the Zimbabwe Anti-Corruption Commission visited the ACC to familiarize themselves with the organizational structure and functions of ACC as part of a study tour to learn from best practices of other regional anti-corruption authorities.



UNODC delegation visits the ACC

Namibia's Ambassador and First Secretary to Vienna accompanied a UNODC delegation led by the UNODC Executive Director, Mr Antonio Maria Costa. The purpose of the visit by the delegation was to familiarize themselves with the activities of the ACC.

The Commonwealth Ministers Reference Book

During the period under review, the ACC accepted an invitation to advertise in the Commonwealth Ministers Reference Book of 2010 under the section peace building. The same advertisement of the ACC also appears on the website www.commonwealthministers.com.



REPUBLIC OF NAMIBIA

ANTI-CORRUPTION COMMISSION



BE PART OF THE FIGHT!

VISION
To be a world class Anti-Corruption Commission

MISSION
To fight corruption in Namibia through effective law enforcement and 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

ESTABLISHMENT OF THE COMMISSION
The Namibian Government recognizes the dangerous effects of corruption. The Government therefore opted to take initiatives in favour of good governance, greater accountability, transparency and cooperation in combating corruption. The Government through Parliament enacted the Anti-Corruption Act, 2003 (Act No 8 of 2003). The Act establishes the Anti-Corruption Commission which is an independent and impartial body mandated with certain powers, functions and duties. The Commission became operational in 2006 and since then, it has been a leading force in the battle against corruption in Namibia.

THE MAIN FUNCTIONS OF THE COMMISSION
The Commission has a duty to inculcate a culture of zero tolerance for corruption in Namibia. Its main functions are:-

- to receive or initiate and investigate allegation of corrupt practices;
- to consult, co-operate and exchange information with appropriate bodies or authorities or bodies of other countries;
- to assemble evidence obtained in the course of its functions and to furnish evidence to the prosecuting authority or any other suitable authority of another country, upon a formal request;
- to investigate any conduct of a person employed by a public body or private body which may be connected with or conducive to corrupt practices;
- to take measures for the prevention of corruption in public bodies and private bodies by examining the practices, systems and procedures of public bodies and private bodies and by advising public bodies and private bodies on corrupt practices and on changes of practices, systems and procedures;
- to educate and foster public confidence and support in combating corruption; and
- to enlist and foster public confidence and support in combating corruption.

PREVENTIVE STRATEGIES
The Commission has been very effective in carrying out its mandate to investigate, educate the public and prevent corruption. Our philosophy is that prevention is better than cure. Therefore in order to prevent corruption, the Commission continuously campaigns against corruption and encourage all Namibians to speak out against corruption without reservation. The Commission organizes national anti-corruption awareness marches. Workshops and seminars are held in all regions of the country to educate the public on the negative effects of corruption. Integrity workshops and seminars are held for targeted institutions. The Commission, in line with national development plan, had developed a five year Strategic Plan to guide it in executing its mandate. The Commission intends to undertake a National Corruption Perception Survey and to develop an effective National Anti-Corruption Strategy.

HOW TO REPORT TO THE COMMISSION
Complaints may be lodged:

- in person to Commission's office,
- by phone call or fax.

The contact details of the Commission are:
The Director, Anti-Corruption Commission,
PO Box 23137, Windhoek, Namibia
Tel: 00 264 61 370 600
Fax: 00 264 61 300 952,
Toll free: 0800 222 888,
Email: anticorruption@iway.na,
Website: www.accnamibia.org

CAUSES AND EFFECTS OF CORRUPTION
Corruption thrives when the rewards for acting corruptly are higher and the chances of being caught are lower. Therefore the Commission strives to make corruption a low gain and high risk undertaking. Corruption has serious consequences as it:

- harms public service delivery;
- weakens Government capacity;
- threatens democracy;
- hurts economic growth;
- increases unemployment rate and
- erodes rule of law.

By fighting corruption, the Namibian society maintains the principles of accountability and transparency. The corrupt acts are transformed into "low gain, high risk undertaking". Officials in positions of trust maintain levels of integrity. They avoid engaging themselves in corrupt practices. Corruption in Namibia can be reduced through increased levels of accountability, transparency and integrity. Political leaders, business community, civil society, the media and the public in general are all stakeholders in the fight against corruption in Namibia.



BE PART OF THE FIGHT!

CONCLUSION

Corruption is a manifestation of institutional weakness, poor ethical standards, unequal distribution of resources and insufficient enforcement of laws, policies and regulations. Therefore ethical conduct and accountability in public life are cornerstones for the elimination of corruption and malfeasance that go along with it.

As part of our national crusade against corruption, we must enact laws that stamp out this evil global phenomenon. At the same time we need to optimally enforce the laws in order to instill a culture of ethical conduct, transparency and accountability in our society, especially in those who are in leadership positions of public offices. Ever than before there is a need for stricter rules that imperatively provide for the minimum standard of behavior and conduct for public officials.

Conflict of interest

Misconduct provisions, provided for under the Public Service Act, 1995 (Act No. 13 of 1995) seem to be not adequately strict enough or supervisors do not enforce the Act to the letter. ACC continues receiving complaints of alleged conflict of interests implicating some public officials. As a result of the fact that some public institutions have ignored or done little to lay misconduct charges against the suspects this necessitates the need to plug in the loopholes by tightening the anti-corruption laws.

Our jurisdiction has not yet clearly and concisely criminalized the conduct of acting in conflict of interest. This as a result has made the prosecution of persons who have acted with conflict of interest difficult. Conflict of interest in some public institutions is regarded as a mere administrative misconduct and that is how culprits often get away with it as their authorities hardly lay disciplinary charges against them. But if conflict of interest becomes a criminal offence by itself then those who commit such an offence will be dealt with without any undue difficulty. Such a move will reaffirm our commitment as a nation to move towards increased accountability and transparency in the conduct of public affairs.

Conflict of interest has resulted in improper management of public affairs. This results in social injustice towards some members of our society, because they do not benefit from the national resources of which these public institutions are the custodians on behalf of the broader Namibian public. Conflict of interest is generally defined as a conflict between the public interest and the private interest of the public officer in which the public officer's private interest could improperly influence the performance of his official duties and responsibilities.

Personal interest include both property and other interests of a public officer, his family, relatives, friends, associations to which he belongs and those with whom he has either a hostile or an intimate relationship. Conflict of interest often gives birth to corruption. Therefore, public officers should not participate in or take administrative decisions on matters which may give rise to conflict of interest unless they first declare such conflict to their supervisors. Public officers ought to first and foremost serve the public interest. They should not engage in any other public functions or private practices without prior authorization.

Asset Disclosure

What mostly tempts public officers to engage themselves in conducts of conflict of interest is the non-disclosure of their finances and other assets. The absence of Act of Parliament in our plethora of laws compelling public officers especially those in management positions to disclose the companies, in which they or their relatives have interest, gives rise

to some public officers making use of the loophole and award contracts to companies in which they have direct or indirect interest without declaring their interests. This at times results in poor quality of services rendered, because the contract may not be awarded on merits.

Since the United Nations Convention Against Corruption (UNCAC) entered into force, some jurisdictions have enacted legislations on Asset Disclosure, especially by Managers in the Public Bodies. The UNCAC stipulates under Chapter II on Preventive Measures, that each State Party shall in accordance with fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote and reflect the principles of rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

The obligation to declare assets should no longer be exclusively limited to Parliamentarians and other Political Office Bearers. They are not the only persons holding public responsibilities nor are they the only persons who own assets. Experience shows that public officials in administrative decision making positions are vulnerable to conflict of interest. Asset disclosure is a best system to guarantee transparency and avoid conflict of interest.

ACC recommends that a legislation providing for the assets and financial declaration of a certain category of public officers, particularly those in management position will go a long way in ensuring transparency and preventing conflict of interest. What we need is a tool to transform commitment into action, and action into results. The undeniable truth is that fighting corruption is among the top priorities in the world. Namibia has signed and ratified the international and regional legal instruments on corruption. Such ratification obliges us to enact and shape sound legislations and ensure that these legislations are implemented to their full potential.

Amendment to the Immigration Control Act

During one of the ACC's investigations it came to our attention that it is necessary to call for an amendment to Schedule I to the Immigration Control Act, 1993 (Act No. 7 of 1993). The said Schedule, which contains a list of serious offences, should be read together with section 39 of the Immigration Control Act, 1993. Of particular importance is subsection (2)(f) of section 39 in terms of which a person who has been convicted of any offence specified in that Schedule shall be regarded as a prohibited immigrant. Since the Immigration Control Act was promulgated in 1993 and not amended thereafter, Schedule I does not include offences provided for in later statutes. It is thus necessary to now broaden the scope of the Schedule to include the contravention of any of the provisions of Chapter 4 of the Anti-Corruption Act, 2003 (Act No. 8 of 2003) and the offence of money-laundering provided for in the Prevention of Organised Crime Act, 2004 (Act No. 29 of 2004).

Poverty Alleviation

Though this concern may not fall directly under the mandate of the ACC, we express our concern for the reason that the Commission has been inundated with numerous complaints, relating to this grave concern, lodged particularly by some of the youth. Those who find themselves in these precarious living conditions, especially the youth have a perception that corruption is the cause of the predicament in which they find themselves.

They complain that the country is endowed with vast mineral resources, yet they are living in abject poverty, roaming the streets without hope for employment opportunities for them. They particularly single out the country's vast uranium minerals which are in the hands of foreign companies with "no benefits for the youth or the nation as such".

A list of pyramids of subsidiary companies registered as Namibian companies while hundred percent owned by foreign companies was presented to the ACC. They expressed their dissatisfaction with the manner the Ministry of Mines and Energy awards EPLs to some of these foreign companies. They appear very frustrated citing unemployment rate among the youth as destructive to their future potential. Only foreign companies according to the complaints are

holding exploration and mining rights over the best uranium areas. They have reservations with regard to the manner in which uranium is being mined while the country faces electricity shortages.

Lack of employment opportunities especially among the youth is a great cause for their frustration. Mining is one of the areas that are expected to play a crucial role in reducing unemployment and alleviating poverty in the country. Local companies ought to be in the lead in the exploration and mining of the country's minerals. Where they do not have sufficient capacity, they should enter into joint venture with foreign companies. It appears there is inequitable access to the country's mineral resources by the Namibians. ACC is informed that in other major uranium producing countries in the world, uranium is one of the strategic minerals and only local companies can get a right to explore or mine it. Foreign companies can only mine on uranium when contracted by the local companies. It appears things are done differently in Namibia. ACC was presented with a scenario where a Namibian entrepreneur was awarded exploration licence but when he entered into joint venture he was allegedly conned by a foreign company and ended up losing his licence to a foreign company.

The ACC, during investigations of alleged irregularities in awarding certain EPLs, requested to be provided with the Ministerial Policy document or Regulations to the Act, but to no avail. It seems there are no Regulations in addition to the Act stipulating the procedure and conditions with regard to the awarding of the EPLs. It was also alleged that some of the local people who were awarded these EPLs ended up selling them to foreign companies in exchange for quick cash. ACC has no proof to this allegation. However, if this is what is happening, the Ministry of Mines and Energy must consider introducing stringent conditions to the awarding of the EPLs. Uranium forms part of the major Namibian natural resources that must benefit the present and future generation. Empowering the youth especially is the best investment in the future development of our country, therefore their plight cannot be ignored.

National Anti-Corruption Plan

In August 1996, Cabinet adopted the recommendation of the then Attorney-General, Advocate Vekuii Rukoro, that a national consultative process be initiated to develop proposals for a comprehensive legislative, administrative and public education framework for the promotion and combating of corruption in all sectors of Namibian society. Cabinet decided that the consultation process should culminate in a National Consultative Conference on Integrity, with the expectation that the conference would produce a consensus recommendation for a comprehensive multi-sectoral National Integrity Strategy.

The Cabinet made the above decision in recognition of the fact that Namibia as a young nation engaged in the process of nation building, it takes pride that it has established an international reputation as a democratic, stable and non-corrupt nation. However, periodic incidents of corruption and maladministration have occurred since independence and threaten to become more frequent.

Cabinet took cognizance that other young nations in the world, corruption became widespread within a relatively short period of time and had a devastating impact on the political, economic and social development of the nation.

On 5 March 1997 the then Right Honourable Prime Minister Hage Geingob launched the Ad Hoc Committee on the Promotion of Ethics and the Combating of Corruption. The Ad Hoc Committee was chaired by the Right Honourable Prime Minister and was composed of other Senior Government officials such as the Speaker of the National Assembly, the Chairman of the National Council and Ministers of key Ministries.

Regional Consultative Workshops were held and stakeholders made their input. It is highly encouraging to note that participants came from all sectors of our society. Participants made positive impacts and suggestions. Though a National Discussion Paper was drafted, no National Anti-Corruption Plan was finally adopted and launched.

There is a need for all of us to articulate and adopt a National Anti-Corruption Plan based on input from the society. We need to develop a national document which guides us all as we translate our commitments into collective action. The Plan must set standards of accountability, transparency and responsibility.

Efforts in fighting corruption and ultimately enhance ethics and integrity need to be carried out in an integrated manner. A National Anti-Corruption Plan covering all sectors of society is the only viable mechanism which must compel every sector of our society to contribute to the fight against corruption. The Government, private sector, religious institutions, civil society, media, youth and students must all strive to promote ethical values.

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

In our previous reports, we expressed our serious concern about the delays in finalizing criminal cases in our courts. We stressed that the public may lose confidence in the administration of justice if they do not see the finalization of cases within a reasonable time. We reiterate the same position that speedy dispensation of justice is part of good governance process.

We are mindful of the fact that the Judiciary has a role to play in combating corruption. However, for the Judiciary to be effective in this regard all the institutions entrusted with the responsibilities for the ultimate administration of justice must be appropriately supported and adequately funded. Adequate funding for all the institutions that have a stake in the administration of justice ensures the effectiveness of the judiciary. Not only that officers of law enforcement agencies need to undergo training, but prosecutors, magistrates and judges must as well be trained on aspects of morals, ethics and values in the judiciary, as well as on new laws that criminalize corrupt conduct and organized crimes. Training no doubt is integral part of a broader and holistic approach to improving good governance in the administration of justice.

Once again we must remind ourselves that we are part of the global trend in the fight against corruption and organized crimes. The signing and ratification of international and regional conventions against corruption and transnational organized crimes is highly applauded. This is a demonstration of political will by our Government. What is needed now is the political support. Political support entails financial support for the institutions which is very critical in order to carry out the needed judicial reforms in terms of performance. Adequate funding will ensure efficiency as skilled, competent, dedicated and hardworking investigating officers, prosecutors, magistrates and judges can be appointed and retained to positions. There must be balance in terms of conditions of service in order for the public to see desired results from the courts. Courts will not operate properly when Magistrates or Judges receive better incentives and prosecutors do not and vice versa. Lest, we forget that the Prosecutor General is tasked with a mammoth task of prosecuting in all criminal proceedings and to defend appeals in criminal proceedings in the High Court and Supreme Court. Such office ought to be adequately funded in order to retain skilled, competent and dedicated prosecutors. All the aforesaid institutions when operating efficiently and effectively create conducive environment for investment and economic growth.

Misuse of Public Properties

Section 43(1) of the Anti-Corruption Act criminalizes the conduct of corruptly using office or position for gratification. The intention of the Legislature is unambiguously spelt out and it does not require any twisting maneuvers to give meaning to such provision. The same section prohibits the corrupt use of public properties by public officers in order to either directly or indirectly obtain gratification.

Misuse of public properties especially government vehicles remains a matter of grave concern. A considerable reduction in the misuse has however been noticed since the ACC started with its operations against this unbecoming conduct. We shall relentlessly continue stamping out the corrupt abuse of the public properties because the misuse

is costly to taxpayers and ultimately reduces the growth of the economy. The drive against the abuse of public properties requires concerted efforts. Accounting Officers, supervisors and transport officers all need to pull up their socks and take their responsibilities very serious. Politicians must without reservation publicly condemn the misuse of public resources and where appropriate take action against the culprits. They themselves must become role models to the rest of the citizens.

Unwarranted Travelling and Workshops by Senior Officials

The other disturbing reports received from junior public officers in some of the Ministries and certain State-Owned Companies are that their supervisors hardly spend time in the offices to attend to daily administrative matters affecting the offices. They are either outside the capital or even outside the country attending to matters that either do not benefit the office concerned.

These junior officers are claiming that in some instances their supervisors either assigned themselves or their close friends in the offices to attend the workshops that falls outside the department of the official assigned to attend. This results in frustration because the relevant officials then do not get the opportunity to attend training in their field of work. With regard to this concern expressed in the Public Service, we are of the view that the Public Service Commission should develop and recommend to the Prime Minister monitoring mechanisms that would ensure that travelling and attendance of workshops are only approved when the same is considered to be beneficial to the Public Service and further that the relevant officials are assigned to attend the workshops.

Delays in the Execution of Capital Projects

In accordance with government policy the Ministry of Works and Transport is exercising control over all government capital projects. There have been many complaints by ministries, offices and agencies about the manner in which the Ministry is managing the said projects. The most frequent complaint appears to be the slow reaction of the Ministry to requests to appoint consultants for the development projects as well as to invite tenders for such projects. This may cause serious delays in the execution of the capital projects and result in the millions of dollars budgeted and allocated for capital projects for a particular financial year being returned to the State Revenue Fund at the end of the financial year virtually untouched. Accounting officers of the various offices, ministries and agencies may end up having to explain the under utilization of the moneys on their respective development budgets. This is a serious matter as these public moneys that were reserved and in the end not utilized could have been put to better use. The Ministry of Works and Transport should look into this concern to ensure the avoidance of delays in the execution of capital projects.

ACC

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