



BE PART OF THE FIGHT!

REMARKS BY:

PAULUS KALOMHO NOA,

DIRECTOR GENERAL OF ANTI-CORRUPTION COMMISSION

ON

THE COMMEMORATION OF THE INTERNATIONAL ANTI-CORRUPTION DAY

AT

WINDHOEK

ON

FRIDAY, 9TH DECEMBER 2016

Director of Ceremonies,
Her Excellency Ms Kiki Gbeho, UN Resident Coordinator and also UNDP Resident Representative,
Adv. Erna van Der Merwe, Deputy Director-General of ACC,
Dr Clemens von Doderer, Head of Office of Hanns Seidel Foundation in Namibia,
Prof. Whyte Grafton, Director of Harold Pupkewitz Graduate School of Business,
Mr Hannu Shipena, Permanent Secretary of ACC and ACC staff
Senior public and private sector officials,
NGOs Representatives,
Invited Guests,
Members of the media,
Ladies and Gentlemen

Allow me to start by expressing my gratitude and deepest appreciation for your presence here this morning on the occasion of the commemoration of International Anti-Corruption Day. I particularly would like to sincerely recognize the UN Country Representative, Ms Kiki Gbeho for finding time to be with us this morning on this important international Day.

The 9th December is declared an International Anti-Corruption Day. The Day was set following the adoption of the United Nations Convention against Corruption by the United Nations General Assembly in its resolution 58/4 of 31st October 2003. The Convention was then opened for signature in Merida, Mexico from 9 to 11 December 2003 and thereafter until 9 December 2005 at United Nations Headquarters. Namibia stands amongst the states who first demonstrated their commitment to denounce corruption by being among the first States Parties to sign the Convention

on the 9th December 2003 in Merida, Mexico. The Convention provides a unique opportunity to mount a global response to corruption.

Director of Ceremonies,

As the former Secretary General of the United Nations, Mr Kofi Annan said on the occasion of the adoption of the Convention that corruption is found in all countries, big and small, rich and poor but it is in the developing world that its effects are most destructive. Corruption attacks the foundation of democratic institutions whereby, there can be no respect for rule of law, no respect for fundamental human rights, no separation of powers and democratic processes are compromised.

It is a cross border crime and therefore requires all nations in the world to commit themselves to the fight. Raising awareness on the dangers and consequences of corruption requires the participation of all stakeholders. All of us, the government, politicians, civil society organizations, private sector, media and individual members of society must make contribution to the prevention and fight against corruption.

Namibia's Commitment to Fighting Corruption

Our Government through Parliament did not only sign and ratify the United Nations Convention Against Corruption but also signed other conventions and protocols on the fight against corruption such as, the African Union Convention on Preventing and Combatting Corruption, the SADC Protocol Against Corruption and the United Nations Convention Against Transnational Organized Crime.

The commitment was further translated into the passing of plethora of legislations on corruption, among such laws is the Anti-Corruption Act, 2003 (Act No. 8 of 2003).

Establishment of the Anti-Corruption Commission

The Act provides for the establishment of the Anti-Corruption Commission as an independent and impartial body. The Act mandates the Commission to carry out three core functions which are investigations, prevention of corrupt practices and educating the public on the dangerous effects of corruption.

The Commission became operational in 2006 and this is why this year's commemoration of the International Anti-Corruption Day is very special to us since the Commission is turning ten years old. Many goals were achieved in a relatively short period of time. Though in 2006 the Commission only started its work consisting of the Director and Deputy Director only and could hardly carry out the core functions of the Commission, today the Commission has a total of 96 staff members.

The Commission in 2006 did not have a proper office accommodation and we had to rent offices from one place to another. Today the Commission has its own headquarters well designed for the mandate of the Commission.

The Commission also established three regional offices in Oshakati, Otjiwarongo and Swakopmund to cater for all nearby regions.

Investigatiopns

The Commission conducted many investigations with limited financial and human resources. In 2007 the Commission had 7 investigators only. Today the Commission has a total of 28 investigators responsible for investigating allegations of corruption in the entire country. To date a total number of 5955 reports are registered with the Commission since 2006. After investigations many of these cases could not be submitted to Prosecutor-General with recommendation for prosecution because no evidence is found to substantiate the allegations. Some are referred to administrative authorities with recommendations for administrative action against the officials for misconducts. During the past years, a total number of 1321 were referred to various authorities with various recommendations. A total number of 509 cases were submitted to the Prosecutor-General with recommendation for prosecution.

Since corruption is often committed in darkness and behind closed doors, investigations of such allegations take lot of time and resources before a conclusion is finally arrived at whether there is evidence enough for prosecution or the matter should be handled by another authority or it is simply unfounded and the file must be closed..

The Commission during the past years recorded many achievements. This is not only in respect of cases recommended for prosecution but also in respect of various other activities including the Commission's interaction with other law enforcement and security agencies in the country as well as our counterparts in other countries who cooperated with us.

Therefore, the success of the Commission during the past years should not only be judged on cases that were arraigned for prosecution but rather in respect of all the

actions where illicit dealings were exposed. The Commission saved taxpayers millions of Namibia dollars through interruption and investigation of suspects who were involved in suspicious business transactions with public institutions. The Commission saved millions of tax-payers' money against fraudulent claims from the Revenue Fund. Reports of massive tax evasions were reported to the Commission and after preliminary investigations such reports were referred to the Revenue Authority for action by such authority in terms of the State Finance Act.

The Commission also took actions against suspects who in collusions with government officials fraudulently established briefcase companies in some instances acting as middlemen with an intention to steal public funds. The focus of the Commission was not only limited to the public sector. Fraudsters in the private sector where evidence has proven criminal wrongdoings were as well prosecuted after investigation. Abuse of office for private gain, embezzlement or misappropriation of public funds were some of the many cases investigated by the Commission. The effectiveness of law enforcement agencies including the Commission was increased by the enactment of laws such as the Financial Intelligence Act and the Prevention of Organized Crime Act. During the course of investigation, the Commission in some cases was able to identify proceeds of crime as well as goods or properties used in the commission of crimes. In such instances, the Commission approached the Prosecutor-General to consider launching an application for the preservation and forfeiture of such property.

The actions by the Commission has resulted in the recovery of massive millions of dollars which is today in the Criminal Assets Recovery Fund established under the Act (Prevention of Organized Crime Act).

The Commission does not and will never favour any suspect provided there is reasonable ground to investigate the suspect and members of the public stand ready to provide evidence to the Commission.

The sad story however, and this should not be blamed on the Commission is that it takes too long before cases are disposed of in the courts of law. This is due to various reasons including the rights of suspects to be represented by lawyers of their own choice as well as their rights to challenge any provisions of the laws against their constitutional rights before trial starts or continues. We however have confidence that the Office of the Judiciary will soon develop an efficient criminal courts management system in response to inordinate delays.

Corruption Prevention Promotes Good Governance

You will agree with me, ladies and gentlemen, that while investigating corrupt practices is important, the globally proven methodology to effectively deal with corruption is to prevent it. Therefore raising awareness and effective implementation of preventive measures can help address the risks of corruption at the root, before the crime is committed, before assets are stolen, before public funds are embezzled and before money is laundered out of the country.

Based on the aforesaid, the Commission in the annual reports submitted to the Prime Minister and tabled in Parliament made various recommendations to the authorities to either amend certain laws, regulations or enact laws that plug in the loopholes for corruption. Among many recommendations made relates to: *Accountability with regard to Funding of Political Parties represented in Parliament, Declaration of Assets/Business Interests, Misuse of Public Properties, Unwarranted*

travelling and attendance of irrelevant workshops or meetings, Public Procurement, Enactment of Cybercrime legislation providing for the admissibility of evidence obtained through technological means, non-interference of politicians in the appointment and suspension of the Chief Executive Officers and Chief Regional Officers, Review of the Criminal Procedure Act to avoid undue delays in criminal courts, ,Review of the management of State-Owned Enterprises , Poverty Alleviation, Business Integrity and Access to Information. These are just but some of the recommendations found in the Commission's annual reports.

Since 2006 to date Namibia has been recording positive ranking in the Corruption Perception Index (CPI) by Transparency International. **The Corruption Perception Index measures the perceived levels of public sector corruption on a scale from 0 (highly corrupt) to 100 (very clean).** *Not a single country gets a perfect score since corruption is a problem for all countries.* Just to demonstrate the positive progress, in 2006 Namibia was ranked number 55 out of 163 countries with a score of 41. In 2007 Namibia was ranked number 57 out of 180 countries with a score of 45. In 2008 Namibia ranked number 61 out of 180 countries with a score of 45. In 2011 Namibia was ranked number 57 out of 183 countries with a score of 44 The scores continued improving in 2012 Namibia was number 58 out of 176 countries with 48 points, in 2013 it was 48 points, 2014 it was 49 until the latest release of 2015 when Namibia went up ten places ranked number 45 out of 149 countries with 53 points. The fact that Namibia is perceive to be one of the least corrupt countries in the world does not mean we should become complacent, because this is mere perception. All stakeholders must put hands together to fight corruption. It is not a business for one institution or government to tackle.

The factors that contribute to corruption eradication and improvement in the ranking of the country anywhere in the world are *inter alia*, introduction of anti-corruption measures in laws and policies, anti-corruption awareness campaigns by all sectors, introduction of government programmes to eradicate poverty and inequality, properly managed health sector, access to water and proper sanitation, effective policies that promote transparency and accountability, proper public resource management, a well management economy by the central bank and other financial institutions, effective criminal justice system, respect for rule of law and above all, good political leadership, peace and political stability.

Public Awareness Campaigns

The Commission has been for the past years conducting public awareness campaigns, holding workshops and seminars for the public officials, private sector officials as well as disseminate information to ordinary members of the public through electronic and print media. Billboards were set up at strategic areas such as border posts and other public places.

Learners and out of school youth were engaged in seminars and workshops. They are the leaders of tomorrow thus the Commission did not want to conduct awareness programs without them. With regard to the learners, the Commission attended the School Career Fairs to disseminate information. Anti-corruption School Debating Competitions were conducted. The Commission also developed an Anti-Corruption Manual for teachers which is a guide for teachers responsible for Life Skills subject. The objective is to teach learners from primary to secondary school level that corruption is unacceptable and destructive to the economy.

Integrity Management trainings were conducted for public officials, particularly in management positions. A policy mechanism called National Anti-Corruption Strategy and Action Plan has been developed and approved by Cabinet. The Strategy was developed with the objective to consolidate the efforts of all sectors to prevent corruption and enhance good governance. We can only succeed if we are “United against Corruption”.

The Commission also focused on building the capacity of the staff, whereby many officials underwent relevant training in the areas of their positions. We thank our Government and development partners who assisted to make the trainings possible. We also thank our partners particularly UNDP, UNODC and Hanns Seidel Foundation for the generous support to the Commission since the Commission’s establishment to date. Their support helped the Commission to publish the needed reports and other anti-corruption awareness materials. We thank you sincerely. Please continue assisting the Commission, your generous support has yielded positive results. Namibia today ranks among the least corrupt nations in the world.

We are strongly convinced that improvement of systems, practices and policies is the best strategy to curb corruption. Good governance is key for Namibia’s economic growth and development. The National Anti-Corruption Strategy provides for the introduction of integrity management systems as well as the establishment of the integrity committees to promote values of ethics within public institutions. In this regard all components of the Namibian society ranging from individuals, family, community, NGOs, media, public sector, private sector, religious leaders and political leaders must form a strong network against mismanagement of public resources, poor service delivery and corruption. We shall not fully realize the implementation of national programmes towards the eradication of poverty and economic

empowerment of the disadvantaged members of our society if we do not together, as a matter of priority, tackle corruption head on.

The Commission has observed a positive response from members of the public. The Commission continues to sensitize the public on corruption, the causes of corruption and the corrosive impacts of corruption to the economy. Many reports which the Commission has referred to various Offices/Ministries/Agencies and private institutions with recommendations for remedial actions are clear testimonies that these institutions have a role to play in reducing corruption in the country.

We have observed with deep appreciation the unwavering commitment of our national political leadership to the eradication of corruption, poverty and inequality.

Corruption is a governance issue; hence the Agenda 2030 on Sustainable Development to end poverty, inequality and injustice among others. Particularly, Goal 16 of Sustainable Development Goals calls for effective governance based on the rule of law. With the full support of our able political leadership which has since been demonstrated, together with our partners, corruption shall be conquered.

We must all stand united against corruption.

I thank you