

Final Project Report

CREATING BASELINE KNOWLEDGE TO STEER THE ANTI-CORRUPTION FIGHT IN SOUTHERN AFRICA July 2006 to Dec 2007

Jan 2008

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CONTEXT

Transparency International's concept of the **National Integrity System (NIS)** consists of the key institutions, laws and practices that contribute to integrity, transparency and accountability in a society. This approach provides a framework to analyse the extent and causes of corruption in a given national context, as well as the adequacy and effectiveness of national anti-corruption efforts.

To best assess the national and regional situation in Southern Africa, TI has undertaken NIS studies in seven countries: Botswana, Democratic Republic of Congo (DRC), Mauritius, Mozambique, Swaziland, Zambia and Zimbabwe.

The NIS study examines the key institutions, sectors or specific activities – the 'pillars' – contributing to integrity. By diagnosing strengths and weaknesses, the NIS can provide recommendations and shape priorities for anti-corruption reform efforts. When it functions properly, the NIS combats corruption as part of the larger struggle against abuse of power, malfeasance, and misappropriation in all its forms. The NIS is generally considered to comprise the following pillars:

<ul style="list-style-type: none"> • Executive • Legislature • Political Parties • Electoral Commission • Supreme Audit Institution • Judiciary • Civil Service / Public Sector Agencies • Law Enforcement Agencies 	<ul style="list-style-type: none"> • Ombudsman • Government Anti-corruption Agencies • Media • Civil Society • Business Sector • Regional and Local Government • International Institutions • Public Contracting System
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Country studies are based on the NIS concept. The purpose of each country study is to assess the National Integrity System, in theory – legal and regulatory provisions - and practice – how well it works. Through these studies, TI aims to provide an overview of the National Integrity Systems in countries from all regions of the world.

The NIS studies provide benchmarks for areas requiring priority action. They also form the basis from which stakeholders may assess existing anti-corruption initiatives. NIS country studies help explain, which pillars have been more successful and why, whether they are mutually supportive and what factors support or inhibit their effectiveness. Country studies also assess priority issues for improving the system and what factors are required to support the overall development of the NIS.

In 2006, the European Investment Bank (EIB) and Transparency International (TI) intensified discussions on how to strengthen cooperation and exchange of information between both institutions in their fight against corruption.

EIB agreed in July 2006 to financially support a TI project aimed at providing activists, decision makers, reformers and other actors in the fight against corruption in the Southern African Development Community (SADC) region with in-depth analysis of the manifestation of corruption and guidance as to how to efficiently combat it. The EIB agreed to contribute a total of EUR 117'000 to the project. The funding for the

project was scheduled to run from August 2006 to July 2007. The end date for the funding period of the project was later revised to 15th December 2007.

The following seven countries were selected to be included in the project:

- Botswana
- Zambia
- Zimbabwe
- Swaziland
- Mozambique
- DR Congo
- Mauritius

Studies on the first six of these countries were coordinated by TI's national chapter in Zimbabwe. The chapter received additional financial support for this project from USAID. TI Secretariat took the lead on NIS studies in the Democratic Republic of Congo (DRC) and Mauritius.

Project Objectives

The objectives of the project were to:

- Identify main strengths and weaknesses of the NIS in the SADC region
- Produce NIS Studies in at least 80% of the SADC region
- Provide region-based input into national action plans against corruption
- Develop a deployment strategy for TI in the DRC.

PROJECT ACTIVITIES, OUTPUTS AND OUTCOMES

Planning Phase of the Project

The planning phase of the project entailed signing of contracts by the various institutions involved in the project. It also entailed the recruitment and training of the research teams in the various countries involved in the project.

Memorandum of Understanding between the TI Secretariat and TI Zimbabwe

In July 2006, a Memorandum of Understanding (MOU) was signed between the TI Secretariat and TI Zimbabwe at the start of the project in order to ensure smooth cooperation on this NIS study project. The MOU outlined mutual responsibilities and set up a joint steering committee between the TI Secretariat, participating countries and TI Zimbabwe.

Agreement between TI Zimbabwe and USAID

While EIB funded the implementation of NIS studies in Mauritius and DRC, and technical support to all other studies in Africa, TI Zimbabwe also secured a grant from USAID for implementation of NIS studies in the Southern Africa region. The agreement between TI Zimbabwe and USAID outlined the objective of undertaking NIS studies in 5 southern Africa countries. The six countries selected for the project were:

- Botswana
- Zambia
- Zimbabwe
- Swaziland
- Mozambique

In addition to coordinating a steering committee, TI Zimbabwe was responsible for recruiting national consultants for implementation of each of these studies. It was also responsible for organising the initial training workshop for the research teams of the respective study countries, supporting consultants, monitoring progress in each of the countries and coordinate all aspects of research within the 5 countries.

DRC and Mauritius - NIS studies coordinated by TI-Secretariat

With financial support received from the EIB, two additional NIS studies were implemented in Mauritius and DR Congo. This included coordinating research, supporting consultants and monitoring progress in these two countries.

In Mauritius, a local consultant was identified through TI's national chapter in the country, which continued to accompany the whole process through to the launch of the study. In the DRC, extensive search for suitable implementing partners was undertaken by TI-S in September and October 2006. A contract for implementation of the study was then signed with a Congolese research bureau in December 2006.

In line with standard NIS methodology, both studies were reviewed by international experts to ensure high quality and accuracy of information. Particular attention was given in this respect to the DRC study, which – written in a continued context of political transition and thus being unique in both analysing efforts to date and identifying key priorities for reform under the first democratically elected government since independence – was reviewed by a Congolese NGO expert, an expert

specialised in the Great Lakes region and based with a well-known German think tank, and a British researcher specialising in issues of corruption in the natural resources sector in the DRC.

Steering Committee Formation

A Steering committee was established at the beginning of the project with the objectives of providing input during the project's development , to review draft reports , to discuss and suggest amendments.

The Steering Committee comprised the project coordinator of TI-Zimbabwe; the Senior Coordinator on NIS studies from the TI Secretariat; and experts from the southern Africa region.

Training for National Consultants

Southern Africa -August 2006: Following signature of the grant agreement, a training workshop for the national consultants working on the six studies coordinated by TI Zimbabwe was organised in Johannesburg, South Africa on 3 August 2006. The training was facilitated by the Senior Coordinator on NIS studies from the TI Secretariat. Consultants were familiarised with the TI vision and mission; the concept of NIS studies; and trained in NIS methodology.

DRC February 2007: A mission to Kinshasa was carried out in February 2007 to meet with the team of researchers working on the NIS for briefing on the methodology. .

NIS RESEARCH PHASE

The “Creating Baseline Knowledge to Steer the Anti-Corruption Fight in Southern Africa Project” has been successfully completed. NIS studies were carried out through national consultants in all seven participating countries.

The research, which includes both desk and field research, have already drawn considerable interest in the region among donors, NGOs, media and the public.

Review of Draft Reports - Steering Committee Meetings

The first drafts of the study findings were submitted in December, 2006 . Most of the studies were of good quality . The steering committee however noted places where more information could be added, where sources could be diversified, and where content needed strengthening.

Following comments from reviews of the second drafts, authors of the Mozambique, Zambia, Zimbabwe, Botswana, Swaziland and Mauritius studies submitted the final draft versions of their respective NIS country studies in August 2007. The final draft of the DRC study was submitted in September 2007

Planning for Advocacy

Advocacy Training – September 2007, Johannesburg - South Africa

The project noted that the NIS studies in Mozambique, Zambia, Zimbabwe, Botswana, Swaziland, DRC and Mauritius represent a unique opportunity for southern Africa peer support among civil society organisations and to exert peer pressure on the governments in the region.

As part of the project, an advocacy training workshop to support the capacities of CSO partners was organised to take forward the results of the studies effectively. The training presented an opportunity for collective reflection and planning to maximise impact of the studies. The training was held on 21st and 22nd August 2007 in Johannesburg, South Africa. The purpose of the Advocacy Training and Planning Workshop was to:

- Improve the capacity of TI National Chapters and partners to strategise and undertake advocacy for better transparency and governance within their respective countries;
- Facilitate planning for national launches of the NIS studies, and a regional launch of the summary of the cross-regional findings of the respective NIS studies, as previously developed by the project’s expert Steering Committee;
- Assist National Chapters and partners to utilise the findings in the respective NIS studies to form longer term national advocacy strategies;
- Begin to develop a sub-regional strategy for Southern Africa that responds to the findings of the respective country NIS studies in the longer term. Such a strategy would take into consideration the priorities outlined by African and Middle East national chapters in their regional strategy.

Formation of an Advocacy committee

Following the workshop, it was expected that the partners would be able to effectively identify who the key target audience for their advocacy efforts would be and how the NIS study will figure in their future national strategies and follow-up activities.

A committee was formed by the participating partners to further sub-regional advocacy across Southern Africa, and maintain the momentum created by the project. It was also tasked with coordinating the further development of a regional advocacy strategy.

The committee is currently in the process of developing the regional advocacy strategy.

PUBLICATION AND LAUNCH OF NIS STUDIES

Study findings

The final NIS reports from the 7 countries were ready in September 2007. Findings of the respective countries included:

Botswana: In Botswana, the country's development budget is channelled through the Public Procurement and Asset Disposal Board (PPADB). Many of its decisions have been constitutionally challenged in court for lack of transparency, with some being set aside.

Rules exist for regulating the conduct of public service and for promoting integrity, transparency and accountability. However, accountability and integrity are often violated. The Ombudsperson is constrained by limited financial resources, inexperienced managers and investigation officers, as well as limited powers to enforce compliance.

The anti-corruption Agency lacks independence and has so far failed to monitor political financing.

The absence of an access to official information law seriously impedes the role of the media and it is not immune to political influence.

Mauritius: In Mauritius, limits on campaign spending are out of sync with current political financing realities. This encourages electoral candidates to lie about spending when they make their official declarations.

Since 2004, a Select Committee has analysed the costs required in a modern electoral campaign and proposed new limits. Since 2005, the business community has also taken the initiative to make campaign donations by cheque rather than in kind, and their code of ethics now requires them to publish the total of their donations to political parties.

Mozambique : While the introduction of the Anti-Corruption Act was regarded as a milestone in the anti-corruption movement in Mozambique, increasing concern remains over the lack of investigative authority of the Central Office for the Fight against Corruption (GCCC). Its limited authority and the ineffective nature of whistleblowing mechanisms, raise doubt over the applicability and efficiency of the Act.

There are no codes of conduct for public institutions. The law does not allow any public official to report acts of corruption against their counterparts and members of the public cannot request audits and inspections of public institutions.

The whistleblowing framework is also weak, while public and conflict of interest rules to prevent high-ranking public officials from enjoying ill-gotten financial gains related to their duties during and after their time of employment need to be improved.

The Declaration of Assets Act requires high-ranking officials to register their assets but the declarations are made against the Constitutional Council which does not have legal powers to monitor and investigate issues of illegal enrichment.

Swaziland : Some of the findings in Swaziland show that the impact of traditional culture on the socio-economic and political landscape is legendary. It permeates all

facets of life. For example, nepotism, and its associated ills, is not necessarily considered untoward, considering the fact that, with a relatively small population of just over one million, there is a network of consanguine and affinity relations that compel loyalty to family that any bureaucratic system of governance often can accommodate.

Traditional authority permeates every pillar, sector and section of Swazi society. Addressing traditional authority and culture is therefore fundamental in ensuring integrity and in the prevention of corruption.

Zambia : In Zambia, the 1994 Parliamentary and Ministerial Code of Conduct required asset declarations by the president and ministers, but no monitoring of these declarations is required.

The lack of properly trained procurement personnel is also a major shortcoming in the public contracting system.

Zimbabwe : In Zimbabwe it is clear that for many, corruption has become a strategy of survival. The report notes that the environment in which the various pillars of the Zimbabwe NIS are expected to operate is highly challenged.

The economic context is fertile ground for criminal activities as part of the survival strategies by individuals and corporate bodies. The bottom line, under such circumstances, is that attempts to develop and strengthen various integrity mechanisms are likely to meet with unusually harsh obstacles which cannot be easily overcome through legal and institutional interventions.

Democratic Republic of Congo : Like in Zimbabwe, corruption in the Democratic Republic of Congo (DRC) appears to be an integrated part of daily life.

According to the NIS report, there is a distinct lack of will within the executive, judiciary and the legislature to put in place an effective National Integrity System. This is attributed partly to a weak civil society emerging from a brutal civil war and operating in an insecure environment.

Regional Overview

Following the completion of the NIS studies above, an overview study to discern underlying trends in October 2007,. The regional overview report included all the countries in the NIS studies project, namely Botswana, Zambia, DRC, Zimbabwe, Swaziland, Mozambique and Mauritius.

Four underlying trends were identified in the above reports:

- 1. Legal frameworks for tackling corruption are being introduced, but implementation is not comprehensive or entirely effective*

The study recognises that although new anti-corruption legislation has been introduced, it is not sufficient for tackling corruption. In general in the region, implementation is slow and resources are limited. Many countries have already introduced new norms of conduct, rights and duties for top public leaders. However, the corresponding regulations, necessary for the law to take effect, were not approved until much later.

2. Multiparty democracy has opened new opportunities for political corruption, but pressure for political finance regulation has grown

Multi-party democracy has opened new opportunities for political corruption, but the pressure for political finance regulation has also grown. All the countries included in the study have experienced some degree of transition towards multi-party politics. There is a link between increasing political competition in the region and political corruption. As awareness of this link has increased, so has demand for improved regulation of political financing.

3. Weak, politicised and corrupt judiciaries

Weak, politicised and corrupt judiciaries block anti-corruption efforts. Across most of the Southern African region, the judiciary is undermined by executive influence and bribery. Changing political and economic circumstances have undermined some judiciaries, notably in Zimbabwe and the DRC. In Mozambique, the judiciary is considered the weakest pillar in the NIS.

4. Public procurement reforms are underway, but accountability for public resources is limited

Though public procurement reforms are underway, accountability for public resources remains limited. In recent years, many new laws or regulations have been introduced to reform procurement boards and procedures yet political interests represent a powerful barrier to effective reform. For example, several countries have set up independent tender boards as a way to reduce conflicts of interest and improve the separation of powers in procurement through better organisation. However, to be effective, such boards need true independence and effective integrity rules for members and staff.

Launch of NIS Reports

In order to publicise the findings as widely as possible, several launches were done across participating countries.

Global Press Release

On 17th December 2007, a global press release was issued on the NIS reports and their summary. It highlighted the findings of the reports and what needed to be done.

The release has generated a significant amount of information requests from the international media, and continues to receive broad coverage also by some national media.

The 7 reports plus the regional overview were also hosted on the TI website's IN FOCUS page for the month of December. This page highlights

Regional Launch in Zimbabwe

On 10th December 2007, a regional launch of the five studies coordinated by TI Zimbabwe was held in Harare.

Partners and National chapters of TI from participating countries, as well as the consultants who had carried out the research, were represented at the launch. Also present were donor representatives based in Zimbabwe and South Africa.

The launch highlighted the findings of the reports and measures that need be undertaken to improve transparency in the integrity systems of the various countries. Donors were urged to support the recommendations highlighted for each of the countries.

Mauritius

Thanks to EIB support, the NIS study on Mauritius could be made available in both English and French.

A national launch was organised by TI's national chapter in the country, Transparency Mauritius, on 4 December 2007. The launch was attended by some 50 guests, including journalists from the written press, radio and television; government representatives; members of the private sector; and students. Following a brief introduction by the Chair of Transparency Mauritius, the NIS methodology as well information on the research process and the key points of the NIS study were presented by the author and discussed by the participants. Hard copies of the report as well as electronic copies burned on CD were distributed. Feedback was positive and a number of individuals have approached Transparency Mauritius with a request to join the organisation. The chapter also intends to follow up with the Mauritian government on a number of specific issues raised in the study.

DRC

In the DRC, a two-day workshop was held with civil society organisations from across the country in early October 2007 to discuss the final draft of the NIS study and its recommendations, and to ensure ownership of its findings at local level. This was followed by a one-day round-table discussion with representatives from the Congolese government and the international donor community in Kinshasa. For a report on the workshop, see Annex 1.

Following final revisions, the final version of the DRC study was launched in December 2007 and circulated widely in electronic format within the country itself as well as to international stakeholders. One hundred hard copies of the study were printed and sent to the DRC for distribution. To further promote continued dialogue with representatives of the institutions evaluated in the study, additional meetings and roundtable events were held in Kinshasa and Lubumbashi (Katanga province) on 11 and 14 January 2008 respectively, thanks to funding made available through other sources. These events were being organised and facilitated by two of the Congolese CSO who are part of an emerging anti-corruption network built through the project over the past few months, and received large media coverage.

NETWORKING EFFORTS IN DR CONGO

Despite an earlier evaluation mission by TI to the DR Congo in 2004, contacts within the country had remained low-key and no strong partnership had been developed with Congolese civil society, also given the lack of political stability and continued civil conflict especially in the east of the country.

As part of the present project, regular visits were carried out by TI to the DRC that allowed for renewed networking efforts. A first mission in October 2006, mainly aimed at identifying a suitable national consultant for implementation of an NIS study, provided an opportunity to resume dialogue with a number of Congolese CSO as well as with other pertinent interlocutors to help identify the added value that TI could bring to existing anti-corruption activities in the DRC.

To strengthen these networking efforts, an initial 12-month project proposal was developed and in early 2007 submitted to a donor in Kinshasa who had expressed interest. Although it was in the end not possible to implement this short-term project, continued discussions – in part during quarterly visits to Kinshasa also in February, May and October 2007 – helped to further refine a proposal for a three-year anti-corruption programme in DRC. Throughout these discussions it clearly emerged that the focus of TI, thanks to its strength and expertise as a global anti-corruption movement focusing on systemic change through effective coalitions between civil society, the public and the private sector, any such programme should focus on supporting the efforts of Congolese civil society to better coordinate their activities in the fight against corruption. Coordinated by the TI Secretariat in Berlin but through a national coordinator based in-country, capacity-building efforts should include both issues of general organisational and programme management as well as sharing of technical expertise on specific corruption issues identified as priorities by the emerging network. Although the issue of corruption in the management of natural resources in the DRC cannot be ignored, significant efforts are already under way in this context (Extractive Industries Transparency Initiative, research and action eg by Human Rights Watch and Global Witness, as well as recently the Open Society Institute and others), a new anti-corruption network should consider focus on other important but to date neglected issues such as the efficiency of anti-corruption institutions or corruption in the judiciary.

On this basis, a 3-year programme proposal has been developed by Transparency International and fundraising efforts continue in the hope to be able to secure support for such a programme in the years 2008-2010.

CONCLUSION

The NIS studies project has been a success as all its objectives have been met. Specifically, the project managed to detail the main strengths and weaknesses of the NIS in the region.

In all the countries that the NIS studies were undertaken, National Chapters and partner have identified region-based input into national action plans against corruption issues identified in the reports.

Also, the project has enabled the development of a proposal by TI for work in the DRC for which TI is currently seeking a suitable funding partner.

ANNEX

1. Regional Overview
2. Zimbabwe NIS Report
3. Swaziland NIS Report
4. Mozambique NIS Report
5. Mauritius NIS Report
6. Zambia NIS Report
7. Botswana NIS Report
8. DRC NIS Report
9. DRC Proposal