

**NATIONAL ASSEMBLY
MOTIVATION OF APPROPRIATION VOTE 30 –**

ANTI-CORRUPTION COMMISSION

2016/17 – 2018/19 MEDIUM TERM PLAN

Budget Motivation Speech 2016/17 Financial Year

by

HONOURABLE CHRISTINE //HOEBES,MP

DEPUTY MINISTER IN THE OFFICE OF THE PRIME MINISTER

Honourable Chairperson,

Honourable Members,

1. I have the honour to present to the National Assembly the budget proposal of the Anti-Corruption Commission for the financial year 2016/2017.
2. Firstly, allow me Honourable Chairperson of the Whole House Committee to place anti-corruption efforts in the context of our national development.
3. An honest and ethical business environment is a necessary condition for both domestic and foreign investments, which are essential ingredients for economic growth and poverty eradication.
4. Corruption on the other hand, is a key element in economic underperformance and a major obstacle to poverty alleviation. Corrupt deals hurt the poor disproportionately when funds intended for development are diverted to such deals. Illicit deals undermine Government's ability to provide basic services, thereby feeding inequality and contributing to economic underperformance.

5. The Anti-Corruption Commission was established to prevent and investigate corruption. The establishment of the Commission serves as a warning to the corrupt that betrayal of the public trust is not tolerated in Namibia. Government, by establishing the Commission, further reaffirms the importance of core values such as honesty, respect for the rule of law, accountability and transparency in the efforts to develop our country.
6. Members of this August House will recall that the Commission has a separate Vote which is in line with statutory requirements that its operations should be independent.
7. By virtue of it being a statutory institution the Anti-Corruption Commission's functions are set out in section 2 of the Anti-Corruption Act, 2003 (Act No. 8 of 2003).
8. These functions are then also encapsulated in the two main objectives of the Medium Term Plan for Vote 30 which read as follows:
 - Ensure that allegations of corrupt practices are properly investigated; and
 - Prevention of corruption.
9. In respect of the Medium Term Plan 2015/16 – 2017/18, Vote 30 reflected three programmes, namely –
 - Investigation of allegations of corruption
 - Corruption prevention
 - Co-ordination, management and support
10. The total budget allocation for the financial year 2015/16 was N\$54,792,000, but during the Mid Term Budget Review the budget allocation was reduced to N\$49,271,000.

11. The reduction in the above resources resulted in serious constraints in the execution of the programmes of the Commission. A moratorium had to be put on certain investigative work that required extensive travelling to the regions. The same restriction had to be placed on Advocacy and Risk Assessment campaigns planned in the regions as part of the Commission's measures to prevent or curb corruption. In addition, the Commission experienced difficulty in honouring contractual obligations, amongst others, the annual payment to cater for essential software and hardware updates and improvements on its case management system and the payment for an independent consultant responsible for securing and processing the data related to a National Corruption Perception Survey.

12. With regard to investigative work, the Commission carried out the following during the financial year 2015/16;
 - Received 372 reports of alleged corrupt practices. These reports were considered and preliminary investigations conducted to first ascertain whether there were merits for criminal investigation under the provisions of the Anti-Corruption Act or whether the allegations constituted other statutory or common law offences that warrant investigation by the Namibian Police or whether they were mere administrative disputes that must be referred to the Office of the Ombudsman for mediation or to an administrative authority for internal investigation and appropriate action taken.

Honourable Chairperson,

It is necessary to take note that the Commission did not only conduct investigations on allegations that were referred to the Prosecutor-General with recommendations for prosecution. Many of the cases investigated were referred to the administrative authorities with recommendations for internal disciplinary actions against the suspects. Investigating officers of the Commission therefore spend part of their time testifying in disciplinary proceedings for the reason that in many of these matters they are the ones who unearthed the wrongdoings through investigations and statements obtained. This has resulted in some officials been found guilty or resigned from their positions before disciplinary proceedings are concluded.

Honourable Chairperson,

Investigations, whether to prove administrative or criminal wrongdoing can be cumbersome and complex sometimes. The criminal court requires to be satisfied beyond reasonable doubt about the criminal wrongdoing of the suspect. All necessary forensic documents in support of the allegations must be obtained which sometimes take relatively longer, depending on the institutions from where the evidence must be obtained. It takes even longer when part of the evidence must be obtained from outside the country or when the headquarters of such office is outside Namibia. The investigation may as well be prolonged if evidence obtained must be submitted for forensic analysis by forensic institutions. The only forensic institution with the Namibian Police handle many criminal forensic cases and thus takes time before finalising the forensic reports.

Corruption is a crime which is perpetrated in darkness and behind closed doors. It is often hidden behind many layers. It takes time and meticulous investigation to unearth evidence of a corruption offence.

- Out of the 372 cases reported during the 2015/2016 Financial Year, 127 cases were investigated. Investigations were concluded in 29 of these cases, while investigations are still ongoing in 98 cases.
- Twenty-four **(24)** cases were referred to the Prosecutor-General with recommendations for prosecution, after lengthy investigations and gathering of relevant evidence. This number adds to many other cases referred to the Prosecutor-General in the previous financial years of which many are pending before court or which criminal hearings had been finalized.
- Thirty six **(36)** cases were referred to other institutions with instructions for further handling.
- One hundred and sixty-nine **(169)** cases were closed. The statements and supporting documents in these cases could not substantiate the allegations made or in some instances the cases were already being investigated by other institutions and did not fall within the mandate of the Commission. In many of these cases administrative measures, inclusive of in some instances disciplinary actions, were recommended. When such matters are reported to the Commission a preliminary investigation is conducted to establish the appropriate cause of action.

Honourable Chairperson,
Honourable Members,

I again wish to inform this august House that investigation can be an unwieldy process. In many cases it requires the use of a variety of modern technological ways and contacts with counterparts in other countries in order to gather evidence. The Commission requires financial resources to ensure the building of the capacity of investigators. They need to undergo relevant training which will expose them to the use of modern investigative technologies.

With a view to ensuring efficient and accurate financial investigations, the Commission acquired a Financial Investigation System. The system has significantly reduced the period during which financial investigations are carried out. The investigators therefor need to undergo extensive training in the use of that system.

14. In the area of **Public Education and Corruption Prevention**, the Commission achieved the following:
- Conducted Corruption Vulnerability Risk Assessments with various institutions and prepared reports recommending remedial action;
 - conducted a National Anti-Corruption Conference during which the draft National Anti-Corruption Strategy and Action Plan was discussed and approved for submission to Cabinet;
 - disseminated anti-corruption adverts and messages in various languages through the print and electronic media;
 - increased the level of awareness on what conduct constitutes corruption amongst its stakeholders.

Through these public awareness campaigns and interaction with members of the public, the Commission sensitised the public and largely fostered public support in anti-corruption awareness activities.

15. The Commission continues to enjoy national, regional and international support. The regional and international fora attended during the financial year 2015/16 provided a platform to exchange experiences and best practices with regard to, amongst others, the investigation and prevention of corruption.
16. Further, the Commission itself continues to experience challenges of which the critical ones are –
 - the insufficient number of offices at strategic regions country-wide,
 - insufficient human and other resources,
 - delays in the finalization of corruption cases caused by, amongst others, unnecessary postponements in our courts of law
17. The above factors seriously hamper productivity and optimal service delivery to the public and if not addressed timeously, have the potential to erode public confidence in the Commission and the administration of justice.
18. Honourable Members, despite accolades on good governance that Namibia receives, corruption remains a challenge. The Anti-Corruption Commission needs Government support to effectively and efficiently fight the scourge of corruption. Adequate funding is needed, in particular, to continue increasing and developing the Commission's human resources capacity, which will enable the Commission to effectively and efficiently combat corruption.

19. The proposed allocation for the 2016/17 financial year is **FORTY NINE MILLION EIGHT HUNDRED AND SIXTY THOUSAND NAMIBIA DOLLARS.**
20. The allocation is to be divided among the three programmes in the Medium Term Plan of Vote 30, namely –
- Investigation of allegations of corruption;
 - Corruption prevention;
 - Coordination, management and support.

If allocated the amounts would –

- with regard to **Investigation of Allegations of Corruption** enable the Commission -
 - to improve and extend its intelligence gathering capability;
 - to continuously improve the forensic equipment as well as the skills of its Investigating Officers so as to ensure that investigations are successfully conducted and concluded;
 - to continue conducting examinations into the regulatory frameworks of public and private institutions in order to facilitate the discovery of corrupt practices in such bodies;
 - to maintain its Management System, which controls and monitors investigative work;
- with regard to **Corruption Prevention** enable the Commission –

- to oversee the implementation of the National Anti-Corruption Strategy and Plan which aims at promoting accountability and providing a framework against which amendments to legislation and other interventions may be undertaken inclusive of –
 - conducting Risk Assessment on Corruption Vulnerabilities in government offices, ministries and agencies, the State-owned Enterprises and Regional Councils and Local Authorities, and develop integrity plans for these institutions;
 - establishing Integrity Committees for government offices, ministries and agencies, the State-owned Enterprises, Regional Councils and Local Authorities;
 - facilitating civic education programmes to promote ethics, integrity, openness and access to information and regional access centres established;
 - conducting a study and compiling a report with recommendations, on the issue of delays in implementing justice in corruption cases;
- to conduct a National Corruption Perception Survey that would provide the Commission with the public's perception on corruption, guide the Commission's public education initiatives as well as provide a baseline data on corruption;
- with regard to **Coordination, Management and Support** enable the Commission –

- to fully implement the Performance Management System with a view to improving the performance of staff members;
 - to increase and effectively develop the Commission's human resources capacity to ensure a workforce with improved productivity and service delivery;
 - to ensure through the execution of regular internal audits, proper financial management, transparency and improved accountability;
 - to continue developing its regional infrastructural capacity to ensure accessible and enhanced services to the public;
 - to secure a high level of customer satisfaction through improved communication mechanisms;
 - to better regulate the activities of the ACC through improved legislative and institutional framework changes;
 - to improve security measures at the ACC.
21. More effort is required to eliminate the scourge of corruption in Namibia. In addition to addressing the above three challenges, the Commission will be reviewing its enabling legislation with a view to making its work more transparent and accountable as well as to eliminate loopholes through which perpetrators of corrupt acts continue to evade the justice system. The Commission shall further strive to increase anti-corruption education through promotion of partnerships with other governmental institution, civil society and the private sector.
22. The funds earmarked for the Commission's activities over the next Medium Term Plan period will go a long way towards achieving the aforementioned outcomes. The approval of this financial year's proposed allocation will also clearly underline the Government's political will to fight corruption.

23. Honourable Members, in view of the above motivation, I request this august House to approve the expenditure of **FORTY NINE MILLION EIGHT HUNDRED AND SIXTY THOUSAND NAMIBIA DOLLARS** as set out in the Schedule of the Appropriation Bill for 2016 in respect of the Anti-Corruption Commission.

I thank you.

