

Report Back to Plenary

Day 1, Workshop 1 UNDP Regional Workshop on Fighting Corruption in Africa: Lessons Learned

**Presented by: Professor Mame Adama Gueye, President of the Civil Reform -
Senegalese Chapter of Transparency International**

The Workshop took place in two sessions presided over by Mr. Ahmedou Ould Abdallah, Executive Secretary of the African Global Coalition and Mr. Victor Angelo of UNDP, respectively.

Mr. Joseph Warioba, President of the Presidential Commission on Corruption in Tanzania and panelist of the first session, put an accent on the necessity of international cooperation and on the importance of transparency and governance of the public sector in the fight against corruption. According to Mr. Warioba, an action plan based on a clear strategy and on an unequivocal political will is necessary.

Following Mr. Warioba, Mr. Mahamdou Magassouba, Legal Counsel of the President of the Malian Republic, introduced a juridical overtone by suggesting the creation of an African Regional Convention on Penal Law to overcome the obstacle presented by different national legislation. Mr. Magassouba then proposed an African Convention on Corruption based on the 25 principles of the 22 February 1999 Declaration of Washington.

To facilitate lawsuits, Mr. Magassouba suggested reversing the burden of proof in corruption court cases. The proposition would place the burden of proof on the person pursued for corruption to prove his innocence, and not on the Public Ministry, contrary to the current prevailing principle in corruption cases.

Mrs. Miria Matembé, Minister of Ethics and Integrity, presented initiatives taken in her country to include in Ugandan legislation the 25 principles of the 22 February 1999 Declaration of Washington.

During her intervention, Mrs. Matembé insisted on the importance of political will for the reform process of the political and administrative system as a prerequisite in the strategy to fight corruption. Civil society's crucial role in this fight, and the urgency of a cooperation at the African

scale were also stressed in the very lively intervention of Ms. Matembé.

Mr. Emmanuel Gyimah-Boadi of the Democratic and Development Center, Ghana, insisted during his intervention on the essential input of civil society and the media in the fight against corruption, noting as well that society has to impose transparency on itself to be credible.

Mr. Gyimah-Boadi pleaded for the implementation of an African Convention on Corruption and invited civil society to engage itself in this battle.

The discussions engendered by the speakers of the first session panel were followed by an exchange between the participants. Synthesis of this exchange will be included in the summary of recommendations.

The second session of the workshop began with the intervention of Mr. Warioba, who reported to the participants the recommendations of the Round Table of Dar Es Salaam, including:

- The call to adopt the February 22, 2000 Declaration of Washington;
- The harmonization of legislation;
- The implementation of a diagnostic center to evaluate the effectiveness of measures to fight corruption;
- The implementation of a regional information center with creation of a data base;
- The creation of a network of organizations to fight corruption.

Then Mr. Louis du Pisani made a presentation on the strategy to fight corruption in Namibia and solicited the assistance of more developed countries to share their experiences on this subject.

Following Mr. du Pisani, Dr. John Makumbe, President of Transparency International/Zimbabwe, suggested the creation of a strategic alliance against corruption between the private sector, the government and civil society.

Like some of the speakers who preceded him, Dr. Makumbe also proposed, the creation of a data base on corruption, the harmonization of juridical framework, the reversal of the burden of proof of corruption and the revision, and simplification of conventions on extradition.

In addition, Dr. Makumbe proposed that:

- Those people invested with the public trust should have a duty to declare the patrimony.

- The process of drawing up public markets is made more transparent.
- The penalties in corruption are made stricter.
- Citizens receive civic education from the civil society and the government.
- The names of person implicated in corruption are published publicly.

Following this last presentation of the second session panel of the workshop, a lengthy discussion took place on the different propositions suggested by the panelists and speakers.

The debates that followed the presentations in the workshop resulted in the following recommendations:

1. A large consensus emerged on the urgency of a multiform regional and international cooperation that could be made concrete through the following mechanisms:
 - 1.1 **African Convention on Corruption:** at this point, the workshop recommends to take as the basis for this future convention the 25 principles of the 22 February 1999 Declaration of Washington.
 - 1.2 **Harmonization of the juridical framework:** this harmonization is necessary to facilitate the prosecution of corruption cases, notably in cases of extradition and restitution of the corruption revenues.
 - 1.3 **Implementation of databases on a regional level:** this proposition focuses on facilitation of the organization and rational management of information in corruption cases.
 - 1.4 **Periodical regional consultations** to exchange experiences and evaluate the effectiveness of anti- corruption measures.
2. **Involvement of civil society:** at this point a solid consensus also emerged on the importance of civil society's role in the fight against corruption. It has been suggested that the involvement of civil society takes its place in the framework of what Dr. Makumbe calls a strategic alliance: civil society- government- private sector, that favors the participatory approach, and the information and sensitization of the citizens.
3. **Developing an appropriate and effectively applied legislation:** If a certain skepticism was expressed about the utility of new laws because existing laws are not always effectively applied, a consensus emerged on the necessity of developing appropriate legislation. The workshop draws particular attention to the question of the effectiveness of applying the legislation that it advocates.

In this report, it is not without interest to mention the debate that emerged on the opportunity to make an exception to the presumption of innocence principle by reversing the burden of proof in corruption case. Strong reservations were expressed about this question and resulted in a very marked divergence of positions. However, a consensus did emerge on the opportunity to institute an obligation of patrimony declaration for every person vested with the public trust. This proposition could be further bolstered by the institution of an infraction for making false or incomplete declaration of patrimony.

4. **Expression of political will:** This recommendation calls upon governments to fulfill their responsibility in fighting corruption. The expression of the political will should not be limited to the simple formulation of religious vows but must be concrete to assure effectiveness and follow up in the implementation of measures to fight corruption.