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NOTHING TO DISCLOSE

Critiquing Namibia's passive approach to conflict of interest

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Key aspects of this paper

Concerns about conflict of interest permeate conduct at various levels of state, from parliament to the civil service, and even the private sector. Having a clear, comprehensive, watertight regulatory environment for dealing with conflict of interest is an important point of departure in mitigating the potential damage that can be wrought by the practice and its consequences, whatever form they take and wherever they might occur.

However, Namibia appears to be falling short in understanding the nature and scope of conflict of interest, as it relates to corruption, and this is reflected in the country's lack of a comprehensive approach to dealing with the issue.

In this regard, the following broad recommendations are made:

a) That legislation – similar to South Africa's Executive Members' Ethics Act, 1998 (Act No 82 of 1998) – be introduced to comprehensively define the conduct of Ministers and presiding officers;

b) that such legislation incorporate and include codes of ethical conduct for the various tiers of the public sector bureaucracy;

c) that in the development and design of such regulations, the Anti-Corruption Commission (ACC), in line with its mandate, as defined by Article 3 of Chapter 2 (Establishment of Anti-Corruption Commission) of the Anti-Corruption Act, be involved;

d) that access to information be legislated for and that a national access to information policy be introduced.

More specifically, it is recommended that a more progressive and proactive regime, in the promotion of open, democratic and responsive governance, be implemented, incorporating the following:

I) That Ministers and presiding officers, upon acceptance of such a posting, publicly and comprehensively list their interests and divest themselves of such interests which might pose a conflict within a specified period of time.

II) That senior officials (CEOs and senior management of State-owned Enterprises, Permanent Secretaries, Under-Secretaries, Directors and Deputy Directors of Ministries) should disclose outside business interests annually.

III) That the ACC be adequately empowered and capacitated, to create and implement a comprehensive data base of the interests and liabilities of senior officials across the three branches of state – the legislature, the executive and the judiciary – and that such officials be legally required to comply with ACC requests for information pertinent to the maintenance of such a data base.

As for the private sector, it is suggested:

- that private sector umbrella bodies, across sectors, move towards introducing voluntary codes of good business conduct and practice;
- that such initiatives look to the King Report on Governance for South Africa 2009, also known as King III, for guidance in the formulation of such codes of conduct and practice.

Corruption of course comes in many guises and very often, in some instances, the line between ethical and unethical conduct becomes blurred, whether intentionally or otherwise. This is especially the case where suspicions and allegations of conflict of interest arise.

A notable recent instance of alleged conflict of interest concerns the construction of ablution facilities in rural communities across five northern regions of the country.

Government had set aside N$100 million in the 2009/2010 Budget for a pilot project across the five northern regions – Omusati, Oshana, Ohangwena, Kavango and Caprivi – where the need for proper sanitation has been estimated as affecting 75 percent of the populations of these regions.

However, by early 2010 warning lights were starting to flash around the project as it became clear that it had become mired in suspected corruption. According to reports, in one instance of disproportionate and lavish spending on latrines, the Omusati Regional Council allegedly paid N$770,000 for a 12-seat pit latrine at Ondukuta in the Tsandi constituency, a cost almost equal to the construction costs of half a dozen low cost houses in the same region. It was revealed that the Omusati Region had spent its allotted N$20 million on building just 60 toilets at households and settlements in the region.

It was later alleged in press reports that the Omusati Region's Director of Regional Planning and former senior State House employee, Abisai Shaningwa, and a personal assistant to Former President Sam Nujoma, Mateus Kaholongo, were behind one of the companies linked to the Omusati toilet saga.

At roughly the same time, according to reports from the region, it came to light in press reports that the then acting Chief Regional Officer of the Caprivi Region, Robert Mapenzi, and Caprivi Regional Council Acting Director of Planning Francis Sibeya were alleged to have manipulated the regional tender process to award the N$20 million tender for the construction of 1,450 latrines to a company in which the said acting Chief Regional Officer was a partner, along with his wife.

The fiasco that the noble pilot project had become by early 2010 prompted Regional and Local Government Minister, Jerry Ekandjo, to call in the Anti-Corruption Commission (ACC) to investigate the project. At the time of writing the ACC still had not pronounced itself on the suspicions emanating from the toilet project.

However, if there is truth to some of the allegations as briefly highlighted above, then it appears as if conflict of interest is very tangibly present in this case.

Of course this is not the only instance of alleged conflict of interest, for arguably the most notable instance involving conflict of interest is the case against Public Service Commissioner Teckla Lameck, who with two others, stands accused of corruption involving hundreds of millions of taxpayers' dollars in a deal to supply Chinese scanner equipment to the Ministry of Finance.

Ironically, Lameck, in her capacity as a Public Service Commissioner, is tasked with monitoring and upholding ethical conduct within the civil service.

In another high profile example of alleged conflict of interest, former Government Institutions Pension Fund (GIPF) board member and General Secretary of the Namibia Public Workers Union (Napwu), Peter Nevonga, along with Ministry of Justice Permanent Secretary, Steve Katjiuanjo, were alleged to have acted in conflict of interest in dealings between the GIPF's Development Capital Portfolio (DCP) and the controversial Namibia Grape Company (NGC).

A Namibia Financial Institutions Supervisory Authority (Namfisa) investigation from 2000 – which had become the source of much politicking around the GIPF at the time of writing – found that both Nevonga and Katjiuanjo had participated in and influenced DCP decisions with regard to loans to the NGC, even though both men were GIPF board of trustees members as well as paid board members of the NGC, in which the DCP had invested more than N$160 million by the time it folded in the mid 2000s and was sold off for less than a third of the invested amount to the National Youth Service (NYC). It is reckoned that all in all the NGC owes the GIPF in excess of N$300 million – in interest and penalties.

In the wake of the Namfisa investigation the evidence became even more damning, for in 2001 Katjiuanjo chaired a board meeting at which he requested N$6.6 million for the NGC and in 2003, Nevonga, also at a board meeting asked for another N$3.7 million for the NGC. This came despite the GIPF board having already expressed reservations about the financial position and viability of the NGC as a going concern.

These instances are just some of the more prominent cases involving, on the face of it, a clear instance of conflict of interest. What these and other instances and incidences indicate is that conflict of interest has long been a worrying occurrence.

However, despite such high profile breaches, it still does not appear as if relevant authorities – such as the Public Service Commission – are taking this particular threat seriously, for there appears to be very little or no movement on the part of authorities to build a comprehensive framework to regulate for and minimise situations and actions that might be in conflict of interest, regardless of where that might be.

And this is precisely the departure point of this paper: Namibia does not adequately make provision for the minimising and combating of instances of conflict of interest, both in regulation and practice, and thus the engendering and maintenance of a culture of ethical conduct, especially at strategic decision-making levels, is compromised and continues to fall short.

It is argued here that a lot more, in terms of regulation, needs to be done or introduced in order to foster a more progressive culture of ethical conduct amongst high ranking officials, given

that in a society so dominated by the actions of the state, the state necessarily sets the behavioural tone for the entire society. Importantly, while this paper primarily addresses the issue within the context of public sector conduct, it is cognisant that conflict of interest straddles both the public and private spheres – for it is usually in relation to a private matter that conflict of interest arises – as well as the political and economic strata.

Demarcating the public and the private

A conflict of interest arises from a situation whereby a public/private sector official could be influenced by personal motives and interest when executing duties of his/her office.

A quote from the source literature probably encapsulates the issue succinctly, stating: "Everyone has personal interests and people to whom they are close. It is inevitable that, from time to time, these interests will come into conflict with their work decisions or actions"[1]. Therefore it is of utmost importance to have regulations in place to guard against conflict of interest across sectors.

This is of critical importance in transition societies – in which institutions are still weak and governance experience still limited and where a degree of corruption has become entrenched and the developmental trajectory of the state is relatively fragile as a result.

Economic modelling suggests that where regulation – and the enforcement thereof – and political commitment to ethical conduct are lax and weak, it encourages space for officials, especially those viewing the state as a source of personal wealth and power creation, to become ever more predatory in search of greater rent-seeking opportunities. Obviously, the more the state is held to ransom by those perceiving impunity in their self-enrichment conduct, the poorer the delivery of public goods and thus a spiralling to the bottom. African examples abound of how the hijacking of state resources or state capture by ruling elites and predatory bureaucrats have collapsed societies to the point of failed nationhood.

In this regard, at this point in time, it becomes necessary to critically consider the regulatory framework, with regard to conflict of interest in Namibia in order to ascertain to what extent and where the country is falling short.

That is not to say that there are no regulations, but rather that the environment is such that what might have been useful and applicable at some point in the past might not be so now, indicating that while the country has developed considerably over the last twenty odd years, the regulatory environment has been very slow to evolve and adapt. Or it might just be that political rulers have never really considered the issue and thus have never adequately and appropriately legislated for eventualities – such as conflict of interest – that arise as events and the nation go along. To some extent this is probably the case in Namibia.

However, now that awareness and warning flags have been raised, it is hard to see what excuses can be proffered for not comprehensively tackling the issue, especially as it appears to be undermining national priorities.

This concern is evident when considering perceived levels of corruption within the public sector. According to the 2008 Afrobarometer roughly 50 percent of respondents were of the opinion that national government officials were corrupt – also, 42 percent of respondents believed most or all police officials were corrupt and 38 percent believed most or all tax officials were corrupt.

Drawing a clear line of demarcation between the public and private sphere in the execution of official duties by those entrusted with public offices is always a challenge, especially in the absence of clear regulatory frameworks.

It is argued that "conflict of interest arises when an individual with a formal responsibility to serve the public participates in an activity that jeopardises his or her professional judgement, objectivity and independence. Often this activity (such as a private business venture) primarily serves personal interests and can potentially influence the objective exercise of the individual's official duties"[2].

Needless to say, conflict of interest is an intimate bed-fellow of various corrupt practices, and therefore dealing with the latter requires a holistic approach that addresses the former.

A piece of legislation that deals with corruption in Namibia, the Anti-Corruption Act (No. 8 of 2003), makes no reference to conflict of interest. In his Keynote Address at The Battle Against Corruption Conference[3] in Windhoek, in mid 2010, the Director of Anti-Corruption Commission (ACC), Paulus Noa, stated that "what sometimes tempts Public Officers to engage themselves in conduct of conflict of interest is the non-disclosure of their finances and other assets".

At the heart of what Noa was saying, and what available evidence strongly suggests, is that there appears to be a profound misunderstanding of what actions or conduct – in as far as actions and conduct have various layers of consequence and effect beyond the obvious – constitutes conflict of interest. Comprehensively clarifying the nature and scope of the situation and issue would of course be the easiest way of addressing this.

In this regard it thus becomes necessary to consider the issue at three key strata – at political system level (Parliament), within

1 Jeremy Pope & Transparency International (2000) Confronting Corruption: Elements of a National Integrity System

2 http://www.u4.no/document/glossary.cfm Accessed 22-03-2011

3 The Battle Against Corruption Conference was organised by the Institute for Public Policy Research from 14-15 September 2010. The Conference sought to assess where Namibia stands in the battle against corruption some four years after the establishment of the Anti-Corruption Commission and consider effective anti-corruption policies for the future. Even though some Acts of Parliament have sections on conflict of interest, Namibia does not have a stand-alone law on conflict of interest and as such public officials are not compelled to disclose their assets and interests.

government, and the private sector – with a view to establishing whether or not and to what extent conflict of interest regulations and guidelines exist and are implemented or given appropriate and adequate life and respect.

The Political System (Parliament)

As far as conflict of interest in the political system is concerned, the Privileges and Immunities Act (No.17 of 1996) is an important point of reference. This Act deals with the conduct of Members of Parliament (MPs).

Section 22 (1) states that "a member shall not in Parliament take part in any proceedings in which such a member has any interest, whether direct or indirect, which precludes him or her from performing his or her functions as a member in a fair, unbiased and proper manner".

Because most members of the executive – Ministers and Deputy Ministers – are also parliamentarians, this applies to senior members of government as well.

This should be read in conjunction with Article 42(1) of the Namibian Constitution which clearly stipulates that "during their tenure of office as members of the Cabinet, Ministers may not take up any other paid employment, engage in activities inconsistent with their positions as Ministers, or expose themselves to any situation which carries with it the risk of a conflict developing between their interests as Ministers and their private interests".

When reading this particular constitutional stipulation, one can only wonder to what extent some senior members of the executive operate within the spirit of the supreme law. On the face of it, ventures involving some senior figures could constitute "any situation which carries with it the risk of a conflict developing between their interests as Ministers and their private interests", for some of these senior politicians became involved in such ventures while they were already in the employ of government.

Against this backdrop, it becomes clear, when considering the wording of the provisions of the Privileges and Immunities Act and the Constitution, that compliance is largely left to the interpretation and discretion of the MPs and members of the executive. Thus it would be difficult, if not impossible, to keep MPs and Ministers under public gaze vis-à-vis potential conflict of interest if little is known about what they actually own and what the nature of their outside interests are.

This, of course, is where an assets register should come in handy.

Assets Register

Regular disclosure of assets and interests by MPs is paramount in any effort to foster a culture of transparency and ethical

The South African Ministerial Handbook

The Ministerial Handbook is a guideline for benefits and privileges, to which Ministers and their families are entitled, in the execution of their duties. These benefits and allowances refer to both the time during term of office and in some cases to the time thereafter.

The Handbook incorporates the Executive Ethics Code, which regulates probity in public life. Conflict of interest is treated with considerable disambiguation in the Code.

Conflict of Interest:

3.1. A Member must declare any personal or private financial or business interest that member may have in a matter –
   a. that is before the Cabinet or an Executive Council;
   b. that is before a Cabinet Committee or Executive Council, on which the member Member serves; or
   c. in relation to which the member is required to take a decision as a Member of the Executive.

3.2. A Member must withdraw from the proceedings of any committee of the Cabinet or an Executive Council considering a matter in which the Member has any personal or private financial or business interest, unless the President or the Premier decides that the Member's interest is trivial or not relevant.

3.3. If a Member is required to adjudicate upon or decide a matter in which the Member has a personal or private financial or business interest, the Member must declare that interest to the President or the Premier, and seek the permission of the President or the Premier to adjudicate upon or decide the matter.

3.4. If a Member makes representations to another Member of the Executive with regard to a matter in which the Member has a personal or private financial or business interest, the Member must declare that interest to the other Member.

3.5. For the purposes of the paragraphs 3.1, 3.2, 3.3 and 3.4 the personal or private financial or business interest of a Member includes any financial or business interest which, to the Member's knowledge, the Member's spouse, permanent companion or family member has.

3.6. Where a Member holds any financial or business interest in a company or corporate entity or profit-making enterprise which may give rise to a conflict of interest in the performance of that Member's functions as a Member of the Executive, the Member must, within two months of the promulgation of this Code, or within two months of assuming office, or within two months of acquiring such interest, as the case may be, or within such longer period as the President or, if the member is a member of an Executive Council, the Premier determines -
   a. dispose of such interest; or
   b. place the administration of the interest under the control of an independent and professional person or agency.

3.7. When the administration of a Member's interest has been placed under control of a person as contemplated in paragraph 3.6(b), the Member may not, during the course of his or her term as Member, have any communication with or give any instructions to that person regarding the interest or the administration or control thereof, save for purposes of complying with any legal requirement in respect of such interest, or to give instructions to sell such interest.

3.8. When a Member is required to make arrangements to meet the conditions of paragraph 3.6, the professional costs occasioned thereby are recoverable from the State.

conduct, for it tangibly demonstrates that senior national leaders do not engage in nefarious conduct and are open about their behaviour and material interests, thus placing them above suspicion. An assets declaration can thus help in the fight against corruption by reducing the incidences of conflict of interest and can be used as a tool to identify cases of illicit enrichment by those holding public office.

Alas, a Register of Members' Interests, the National Assembly's assets register, has been published only twice in an independent Namibia – in 2003 and 2009 respectively – and in both cases disclosure of assets, which is a requirement in both the National Assembly and the National Council, by senior political figures was less than satisfactory. With regard to the National Assembly register, MPs simply listed what they wished and 13 MPs in the Fourth Parliament, from 2005 to 2010, quite simply ignored the assets register and never submitted disclosure forms, condemning the assets disclosure exercise to farcical status.

This necessarily raises a lot of questions around the National Assembly's disclosure regime. For instance, why is there no regular disclosure of assets so that the Register of Members' Interests is updated annually? And, once the assets register has been compiled, are there any verification mechanisms to validate what has been filed by MPs?

These are just two of the pertinent questions to be answered if the concept of an assets register is to be taken seriously. The efficacy of a disclosure regime demands that the agency administering it must be politically neutral and that it enjoys the confidence of both those required to disclose and the general public[4].

However, the fact the MPs and members of the executive have been so dismissive of the Register of Members' Interests probably is in part a reflection of the lack of public and media interest in the affairs and dealings, as detailed (or not) in the register, of senior political and public officials.

Considering that the Register of Members' Interests has been published only twice in 20 years, and given the general paucity of information and probably even downright evasive nature of the disclosures, the processes involved and the functioning of the administering agency – the National Assembly Secretariat – comes under suspicion, which is probably not how an institution such as parliament should be viewed, especially not in a fledgling democracy such as Namibia's.

The Register of Members' Interests is supposed to be kept as two versions, with one register – which is not made public and only open to scrutiny by the National Assembly Secretariat – being more detailed with regard to MPs material and financial interests while the other – the 'public' register – is largely a listing document, giving the barest of details of MPs' interests. However, given the state of the 'public' register, it is hard to conceive that the classified register is in any better shape.

In this context, it can possibly be suggested that the problems surrounding the Register of Members' Interests run deeper and are reflective of a broader malaise – a general political culture which does not view accountability as a component of legitimacy. This is markedly illustrated by the fact that political parties in Namibia are amongst the most unregulated institutions and organisations and do not have to account for or disclose their assets and interests to any agency, this despite many of them – those with seats in parliament – receiving considerable sums of money on an annual basis from state coffers.

Returning to the Register of Members' Interests, another facet of the exercise probably is not helping the situation. This relates to the procedures to be waded through before a member of the public can gain access to the register, creating the impression that the 'public' version of the assets register is not really public after all.

To gain access to the Register of Members' Interests, one has to approach a Legal Officer at the National Assembly. Once 'permission' has been gained, there are conditions to be adhered to on how an interested party (e.g. a researcher or member of the public) can make use of the 'public' version of the assets register. For instance, one cannot make copies of the assets register, neither can one take the assets register outside the parliament building. Note-taking is the only way to record information, so practically speaking an interested party can re-write the contents of the assets register into a notebook.

The entire process goes against the trend that favours unfettered public access by placing the assets register in truly public spaces – such as online or in public libraries – and thus demonstrating government's and parliament's commitment to conduct its affairs transparently. The perceptual gain that this sort of conduct could engender is best illustrated by the statement: "If government is willing to make the personal finances of senior officials public, it makes it much harder for mid-level personnel to hide behind claims of secrecy when processing requests under right to information laws or otherwise denying citizens access to information to which they are entitled"[5].

Namibia does not, however, have any right or access to information laws and as such a claim of entitlement to information of any nature cannot be made, which is probably also why the Register of Members' Interests is approached with such laxity and disregard by those who are supposed to be standard bearers of ethical conduct.

All this of course is illustrative of the fact that the applicable legislative framework – as encapsulated by the Privileges and Immunities Act (No.17 of 1996) and the Namibian Constitution – does not adequately circumscribe the conduct of political office bearers and thus the environment calls for a much more stringent regulatory dispensation.

4 Richard Messick, 2009 – Income and assets declarations: Issues to consider in developing a disclosure regime

5 op.cit., pg. 9

Government

It will be seen that as with political office bearers, the rules governing the conduct of public sector employees do not go far enough – and are not proactive enough – in encouraging ethical conduct across the civil service.

The primary piece of legislation regulating conduct in the public service is the Public Service Act (No.13 of 1995). Section 17 of this Act prohibits the performance of remunerative work by staff members unless permission is granted by the Permanent Secretary concerned or the Prime Minister.

The Act states: "The purpose of the declaration of remunerative work outside employment in the Public Service by staff members is to protect the interests of the Public Service by ensuring that every staff member places the whole of his/her time at the disposal of the government as well as to prevent competition between staff members and persons in the private sector and to prevent a possible conflict of interest"[6].

However, as can be noted, the Public Service Act is decidedly passive in dealing with the issue of potential conflict of interest in that it almost solely relies on the integrity and honesty of individual public officials to declare their outside interests. There exist no mechanisms to proactively monitor whether public sector employees actually comply with the provisions of the Public Service Act.

With public sector officials already tainted by the perception of widespread corruption, as illustrated earlier with refer-

6 Staff Rule DXVII of the Public Service Act No.13 of 1995.

Potential instances of conflict of interest involving MPs

DTA Vice President and MP Philemon Moongo moved a motion in the National Assembly on June 13, 2006, to amend the Liquor Act (No.6 of 1998).

Moongo is a businessman with interests in the liquor retail sector, owning no fewer than nine shebeens or liquor outlets[1]. Moongo moved that the National Assembly discuss and amend the Liquor Act "so that small disadvantaged business people can easily obtain licences"[2].

Undoubtedly, Moongo had a vested interest in this particular motion and he should have recused himself from the proceedings. The Privileges and Immunities Act (No.17 of 1996) contains a proviso which should have been used to prevent Moongo from participating and moving a motion in which his interests were of concern. It is unclear whether or not other MPs, and most especially the Speaker of the National Assembly, were aware of the potential conflict of interest situation which arose in this instance.

However, this is not the only worrisome instance involving the DTA politician, for on September 28, 2005, Philemon Moongo was again in a similar scenario when he moved a motion on the remuneration of traditional leaders.

In this motivation statement on the motion which required the house "as a matter of extreme urgency, discuss, revisits and adjust the remuneration and other benefits, and to regulate the allowances , of the traditional leaders countrywide", Moongo urged that "Namibian leaders need to ensure that our traditional leaders receive proper salary (sic) with adequate allowances, so that they can continue to do their work"[3].

The fact that Moongo is a village headman could be construed as a potential conflict of interest, in that he sought to encourage and influence parliament to augment the financial benefits of traditional leaders. Even though Philemon Moongo does not presently, neither at the time he moved the motion, receive benefits from the government as a village headman, it could be argued that he was driven by personal interest of securing some benefits when he retires from National Assembly.

In another example of potential conflict of interest, the Windhoek Observer of September 17, 2010, reported that Presidential Affairs Minister and Attorney-General, Dr Albert Kawana, delivered a proposal letter on behalf of Erumbi Energy – a consortium vying to supply 50 percent of Namibia's fuel as a replacement for National Petroleum Corporation of Namibia's (NAMCOR) present partner, multinational Glencore.

"Kawana, the principal legal advisor of the Government and a Cabinet member denied any conflict of interest despite the fact that he had pushed for favourable consideration of the proposed consortium, a business venture that will have to receive Cabinet approval"[4].

It is evident that in the absence of clear guidelines as to what constitutes conflict of interest, and sometimes obvious ignorance of the rules coupled with the laxity of regulatory frameworks, individuals appear to have adequate latitude to get away with acts of conflict of interest.

1 See *Insight Namibia*, 'Nothing to Declare' April 2010 – "Too little, way too late", pg. 25

2 See Hansard, Vol. 91; 2006.

3 See Hansard, Vol.84; 2005, pg. 22 & 219

4 *Windhoek Observer*, 17 September 2010 'Kawana masterminds Erumbi moves'

ence to the 2008 Afrobarometer survey, and given the altogether passivity of the regulatory framework, it is not hard to conceive or to argue that a great many civil servants are engaged in outside remunerative schemes or operate outside financial interests, some probably directly in conflict with their public sector duties, without fear of being cornered or caught out.

In this regard, forms of outside remunerative work in which public servants – those who have bothered to disclose – are engaged are the following[7]:

(a) Operating taxi businesses
(b) Board members of various organisations (both public and private sector)
(c) Small scale general merchandise
(d) Part-time farming (crop and animal husbandry)
(e) Part-time tutoring
(f) Part-time consultancy services
(g) Nursing at private hospitals
(h) Product selling businesses
(i) Construction
(j) Shebeen (liquor outlets)
(k) Estate agencies
(l) Locum tenens (being a stand-in)
(m) Limited private practice
(n) Cash loan business
(o) Marker-Tutor at educational institutions

The above-mentioned categories are not exhaustive, and as already argued the magnitude of work conducted by civil servants outside the public sector could be greater than what recorded figures reflect (see text box below). Contrary to general perception, an Official[8] in the Public Service Commission Secretariat who was interviewed on the subject argued that recorded cases of remunerative work outside the public service are indeed a true reflection of the situation on the ground. However, the official hastened to recognise that there is a need for reform on the grounds that the Public Service Act makes provision for the commission to advice on the granting of permission to government staff members with interest in outside remunerative work – but the State Owned Enterprises Act which also regulate conflict of interest supersedes the Public Service Act. These Acts needs to be aligned.

7 op. cit.

The case for comprehensive codes of conduct

As already stated, codes of ethical conduct, amongst other provisions, which deal comprehensively with the issue of conflict of interest, are decidedly thin on the ground. However, such initiatives do exist in some form.

Government Notice 174 of 2004[9] prescribes a Code of Conduct for members of Regional Councils. Conflict of interest is

8 See Appendix 1 which shows a transcript of verbatim interview with an Under-Secretary: Public Service Commission Secretariat. The interview was conducted on May 03 2011.

9 See *Government Gazette* No. 3255, pg. 2 – 6 , August 4 2004, Windhoek: Republic of Namibia

Remunerative work outside the Public Service

For the period 1 April 2009-31 March 2010, the Public Service Commission recorded a total of 115 cases of remunerative work by civil servants outside the public service. This represents a 47 percent decrease compared to the period 1 April 2007-31 March 2008 when a total of 219 cases were recorded[1]. Considering that the Government is the largest employer, public servants who engage in outside salaried work do not even constitute a drop in the bucket. Thus the possibility of non-disclosure cannot be ruled out.

When the last of these reports was issued, the total number of staff in the public service stood at 85 3342. This figure comes down to 57 066 when all uniformed personnel (security and military services) are excluded, indicating that remunerative work outside the public service constitutes a minuscule 0.3 percent of the total.

Not surprisingly, the Ministry of Health and Social Services accounts for most cases of civil servants taking up paid work outside the public service. The lucrative nature of operating a private practice entices public health professionals to run private consultancies.

For the period 2009/2010, the Ministry of Health and Social Services accounted for 32 percent of all cases involving public servants engaged in private practice. In a recent case, it was reported that the management of the Katutura State Hospital had deteriorated considerably, thus damaging the levels of service provided to the public, because its medical superintendent, Dr Rheinhardt Gariseb, devoted a disproportionate amount of time and effort to his private practice[3]. A Ministerial investigation was instituted following these claims. However, by March 30, 2011, Dr Gariseb had resigned as medical superintendent of the Katutura State Hospital in order to concentrate fully on his private practice.

1 See Public Service Commission Annual Reports: 1 April 2009 – 31 March 2010 & 1 April 2007 – 31 March 2008

2 op. cit.

3 *The Namibian*, 13 January 2011, Hospital Boss in 'Conflict of Interest'

covered under General provisions. In this regard, Rule 2 (2) stipulates that a member may not –

(d) be engaged in any transaction, acquire any position or function, or have any financial and commercial interests that is incompatible with his or her office, functions and duties or the discharge thereof;

(e) solicit directly or indirectly receive any gift or favour that may influence the exercise of his or her functions, the performance of his or her duties or his or her judgement;

Sub-rule (3) under General provisions prescribes that a member must –

(i) place the interests of a council before his or her own interests; and

(ii) avoid private undertakings that interfere with optimum delivery of the business of the council;

(iii) declare or disclose his or her personal assets and liabilities if so requested by his or her council;

(iv) be alert to any actual or potential conflict of interest and must take measures to avoid such conflicts.

The provisions dealing with instances where a member of the Regional Council acts contrary to the code of conduct are contained in Rule 6, which states: -

(1) If a members acts contrary to the provisions of this Code, any other member or the chief regional officer concerned may report this in writing to the chairperson of the council concerned or, if the chairperson himself or herself is involved, to any other member, who must bring the matter before council if he or she is of the opinion that the report has substance.

(2) If a chairperson or the other member referred to in sub-rule (1), as the case may be, omits or refuses to act on a report made in terms thereof, the member who made that report may refer the matter to the chief regional officer concerned who must report the matter to the management committee.

(3) If the chief regional officer has made a report referred to in sub-rule (1) and the chairperson or other member concerned omits or refuses to act on a report as contemplated in sub-rule (2), the chief regional officer may mero motu (out of his/her own free will) report the matter to the management committee.

(4) A management committee must consider a report from a chief regional officer referred to in sub-rule (2) and (3), as the case may be, and if it deems fit, report its finding to the council concerned.

(5) If a motion is brought before a council in terms of sub-rule (1) or a management committee report its finding as contemplated in sub-rule (4), and the council concerned finds that a member contravened any provision of this Code, that council may suspend, if it deems fit, and after it has afforded the member concerned an opportunity to be heard in his or her defence, the member concerned by way of a two-third majority vote of all the members from attending any meeting of that council or a committee for a period not exceeding one month.

A reading of these provisions illuminates and underscores the sense of perceived passivity with which conflict of interest is dealt at different levels of the Namibian state structure. This sense of passivity is probably best highlighted by the provisions of Sub-rule (3), which make it clear that to comply or not is actually the prerogative of the individual.

Furthermore, it is worrying that the maximum penalty or punishment that an errant Regional Councillor can be subjected to for what can be construed as damaging and dishonest conduct is a one month suspension, which suggests a disconcerting minimising or negation of the serious nature of what is no less than outright malfeasant behaviour, the perpetration of which by just one individual, casts a pall of disreputability over the entire institution.

Here it is probably appropriate to remember that Namibia is not the first or only country grappling with such issues as conflict of interest, and over the last decade or so the country has become a party to initiatives aimed at addressing such threats to the developmental objectives of transition societies. One such initiative is the Charter for the Public Service in Africa.

Charter for the Public Service in Africa

Namibia is a signatory to the Charter for the Public Service in Africa, which was adopted by the Third Biennial Pan-African Conference of Ministers of Civil Service, in Windhoek, Namibia, on February 5 2001.

Part II of the Charter[10] deals with Rules of Conduct for Public Service Employees, and Articles 24 and 25 deal with conflict of interest and declaration of assets.

Article 24, Conflict of Interest, states that "public service employees shall not take up functions or positions, engage in transactions or have any financial, commercial or material interests that might be incompatible with their functions, responsibilities or duties".

Article 25, Declaration of Assets or Illicit Enrichment, states: "In order to ensure the monitoring of any excessive accumulation of wealth, public service employees appointed to certain positions of responsibility specified by law shall, upon taking and leaving office, declare their assets as well as those of members of their family".

10 See Charter for the Public Service in Africa : http://unpan1.un.org/intradoc/groups/public/documents/un/unpan000498.pdf Accessed 01 April 2011

Coupled with this, Namibia is also a signatory to the United Nations Convention Against Corruption[11], which deals with conflict of interest under Article 8(5): "Each state party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials".

Assuming that the conduct of public servants falls within, and is constrained by the parameters of domestic laws as well as continental frameworks and international instruments, it can be safely argued that there are adequate points of reference in tackling conflict of interest, and it can thus be rightly concluded that Namibia, in as far as it concerns the conduct of public sector officials and political office bearers, would appear to have very little excuse for not having introduced and implemented more appropriately detailed and forceful regimes to counter potential instances of such conduct as conflict of interest.

Parastatals / State-owned Enterprises (SOEs)

The State-owned Enterprises (SOE) sector is of particular and considerable concern for it is a sector within which corruption is perceived to be rampant.

Consider that for the period 2008-2009, out of 117 separate cases of alleged corruption that were recorded – by referencing articles in various Namibian newspapers – parastatals accounted for 22 percent of the cases[12], sharing the dubious lead with the private sector.

It is worth noting that this only concerns reported cases, for with corruption being a secretive activity not all cases see the light of day. Describing the nature of corrupt offences, the Namibia Institute for Democracy (NID) reported that conflict of interest, nepotism and favouritism accounted for five percent, four percent and 10 percent respectively. When nepotism is considered together with conflict of interest, these instances account for nine percent of reported cases for the 2008-2009 period.

For the purposes of this discussion, nepotism is collapsed into conflict of interest, for nepotism is a type of conflict of interest. When an official in a position of power, a high ranking parastatal employee or a private sector manager engage in nepotism or favouritism, it boils down to s/he having a personal interest that goes against the ethos of institutional integrity and conduct. "Nepotism is a particular type of conflict of interest. Although the expression tends to be used more widely, it strictly applies to a situation in which a person uses his or her public power to obtain a favour – very often a job – for a member of his or her family"[13].

Arguably the most prominent instances of corruption, including conflict of interest, in the SOE sector are those for which presidential commissions of inquiry were instituted over the last decade or so. However, it is hard to assess the scope and nature of these cases of alleged corruption, for the reports of

Misunderstanding the purpose of recusal

Incorporated into the available provisions and mechanisms addressing the phenomenon of conflict of interest is the interesting and generally misunderstood concept and practice of recusing oneself from deliberations of a sensitive nature.

Recusal widely appears to be understood as referring to the practice of withdrawing, often physically, or withholding involvement in the discussion and decision-making on a matter in which it can be construed that the party practising such recusal or those associated with such a party – in many cases relatives or friends – have a proven, whether direct or indirect, and tangible material interest.

Recusal mostly takes the form of the vested party physically leaving the room or discussion and not being a party to any such discussions or decisions taken on the issue deliberated.

Very often, in instances where public contracts have become shrouded by suspicions of corrupt dealing on the part of officials, who have been proven to have a stake in or relationship with individuals and companies awarded such contracts, one of the defence mechanisms invariably and immediately whipped out is that the officials in question recused themselves from the deliberations where such contracts were awarded.

And this is where recusal becomes tricky, for having recused oneself from a discussion does not equate to ethical conduct or place the process above suspicion, for influence is and can still be exerted in subtle forms even while the person wielding such influence is not physically present.

To recuse literally means to disqualify or reject and the implication, especially for those involved in public sector procurement, is that where a relationship, in whatever form it takes, exists between an official with decision-making and oversight functions and responsibilities and a bidding party, the official not merely volunteer or be requested to leave the room or to not participate in discussions, but that the bidder be disqualified forthwith.

11 See United Nations Convention Against Corruption, 2004. New York

12 See Namibia Institute for Democracy (NID), 2010. Actual Instances of Corruption 2008-2009 as Reported in the Namibian Print Media, Compiled by Justine Hunter

13 Jeremy Pope & Transparency International (2000;197) Confronting Corruption: Elements of a National Integrity System

these commissions of inquiry have yet to be made public. Some of the cases were clear instances of conflict of interest involving individuals in senior decision-making positions at the particular SOE.

Commissions of inquiry which were instituted – by former President Sam Nujoma – were the following:

- Commission of Inquiry into the Activities, Affairs, Management and Operations of the Social Security Commission (2002);
- Commission of Inquiry into the Activities, Affairs, Management and Operations of the Roads Authority (2002); and
- the Commission of Inquiry into the Activities, Affairs, Management and Operations of the former Amalgamated Commercial Holdings (Pty) Ltd and the former Development Brigade Corporation (2004)"[14].

Commentators across the spectrum have consistently called for the release of the findings of these commissions of inquiry, but so far these calls have fallen on deaf ears.

More recently, since early 2010, there has been a hue and cry about the goings on within the Government Institutions Pension Fund's (GIPF) Development Capital Portfolio (DCP), as briefly and partly highlighted at the beginning of this document, with observers calling on government to investigate the conduct of the GIPF's board of trustees – those who were on the board towards the late 1990s and into the early 2000s, when the GIPF lost about N$660 million on dodgy investments, around which more than a whiff of conflict of interest drifted.

The situation gave rise to All Peoples' Party (APP) President and member of parliament, Ignatius Shixwameni, moving a motion in the National Assembly which:

"Debates and resolves that the President be requested, in the best interest of the public, to release the following reports on the GIPF's Development Portfolio Investments:

i. Findings from the Namfisa investigation that was already conducted and concluded shortly after the commencement of his first term of office as Head of State; and
ii. The report of the recently concluded forensic audit by BDO"[15].

It remains to be seen whether this motion will get anywhere.

Private Sector

In his essay 'The Role of Business in Combating Corruption' a few years ago, the Chief Executive Officer of Namibia Chamber of Commerce and Industry (NCCI), Tarah Shaanika, highlighted measures individual businesses can introduce as part of their contribution to the anti-corruption fight.

Amongst others, Shaanika called for 'enforcing higher ethical standards in business[16]', in recognition of the need for mechanisms to regulate the conduct of business people and to avoid situations of conflict of interest in the private sector.

However, despite this call, it is notable that the NCCI has to date failed to come up with a code of ethical conduct to which businesses can subscribe and adhere. Of course, adhering to any such code would be a voluntary act, but it would be an indication of responsible and good governance within a given company.

This aside, perhaps the most obvious of avenue for conflict of interest in the private sector involves labour representatives – out for self-enrichment – colluding[17] with management rather than representing employees' interests. The likelihood of this type of occurrence is exacerbated by the practice of having labour representatives/trade unionists sitting on boards of some companies where they have to represent employees. The integrity of union/labour representatives is an important element in corporate governance, and it can be undermined when union representatives are seduced with corporate perks and financial benefits to toe a particular line, which might be in conflict of worker interests[18].

Where conflict of interest in the private sector is dealt with is in the Companies Act (No.28 of 2004), which creates the framework for the incorporation, management and liquidation of companies, and makes reference to conflict of interest in Part 6, Section 245, Disclosure by interested director or officer acting for the company, which stipulates:

(1) A director or officer referred to in section 242(2)(b) who is in any way, whether directly or indirectly, materially interested in any proposed contract to be entered into by him or her on behalf of the company, must, before entering into that contract, declare his or her interest and the full particulars of the interest at a meeting of directors as provided for by section 235, and must not enter into that contract unless and until a resolution has been passed by the directors approving the transaction.

(2) Any officer referred to in subsection (1) who becomes materially interested in any contract entered into by him or her on behalf of the company after it was entered into, must as soon as is reasonably possible, declare his or her interest and the full particulars of the interest by a written notice given to the directors.

14 See Hopwood, Namibia's Anti-Corruption Strategy – Where Now?, in Hopwood (2008) (ed.) Tackling Corruption – Opinions on the Way Forward in Namibia

15 See Order Paper No. 15 – 2011, Wednesday March 30 2011, National Assembly: Republic of Namibia

16 See Tarah Shaanika, The Role Of Business In Combating Corruption, in Hopwood, G. (2008) (ed.) Tackling Corruption – Opinions on the Way Forward in Namibia

17 Collusion, from which collude derives, is defined as "a secret agreement between parties, in the public and/or private sector, to conspire to commit actions aimed to deceive or commit fraud with the objective of illicit financial gain" (see Transparency International, July 2009 The Anti-Corruption Plain Language Guide).

18 See Aldrighi, D.M. Corruption inside the enterprise: corporate fraud and conflict of interest., in Zinnbauer et al. (eds.) Global Corruption Report 2009: Corruption in the Private Sector, Transparency International

While these provisions are important and welcome, once again, the legislation, in the form of the Companies Act does not really go far enough, the drafters having erred on the side of broadness. It could probably be rightly argued that in a free market economy it probably is not and should not be the place of government to prescribe to entrepreneurs how they should conduct themselves. Be that as it may, and considering that the private sector appears to be doing very little to help itself in this regard, and with business practices deepening in sophistication and complexity, thus possibly opening up new avenues for unethical behaviour, perhaps a little less circumspection and a bit more circumscribing is in order.

The principle of good corporate governance is another important pillar in ensuring that the 'rules of the game' are clearly spelled out. Transparency International (TI) recommends that a corporate governance system should adopt ethical policies and procedures going beyond compliance. For the latter to be effective, non-compliance must induce severe punishments.

Managing Conflict of Interest

It is of utmost importance that organisations have unambiguously stated and easy to understand policies and procedures in dealing with conflict of interest. Written codes of conduct are a necessity in constantly reminding those entrusted with public responsibilities to act with integrity and impartiality at all times. Importantly, codes of conduct should be expressly binding documents that sanctions clearly defined punishments for transgressions. Transparency International points us to some pertinent questions to interrogate in order to gauge the effectiveness of conflict of interest rules[19]:

- Is there a national law setting out clearly principles which should govern a sound conflict of interest policy?
- Are public appointments made on merit?
- Do government agencies have clear policies in areas of conflict of interest and nepotism? Are they widely understood by staff and by the public at large?
- Do officials have access to professionals who can advise them on ethical issues such as those arising from conflict of interest?

Answering these questions can provide a clear picture and direction as far as improving the regulatory environment to address conflict of interest is concerned. Another area of concern is the failure to implement rules and regulations. Once rules are put in place, there must be a consciously pro-active approach to enforce the rules that are established to regulate the behaviour of those entrusted with public office.

19 See Jeremy Pope & Transparency International (2000, Chapter 21; pg.204) Confronting Corruption: Elements of a National Integrity System

What does King III say?

The King Report on Governance for South Africa 2009, or King III, which was commissioned by the Institute of Directors in Southern Africa, provides broad guidelines for ethical conduct within the private sector. King III came into effect in March 2010.

Principle 1.3 in King III states:

1.3. The board should ensure that the company's ethics are managed effectively. The board should ensure that:

- **1.3.1. it builds and sustains an ethical corporate culture in the company;**
- **1.3.2. it determines the ethical standards which should be clearly articulated and ensures that the company takes measures to achieve adherence to them in all aspects of the business;**
- **1.3.3. adherence to ethical standards is measured;**
- **1.3.4. internal and external ethics performance is aligned around the same ethical standards;**
- **1.3.5. ethical risks and opportunities are incorporated in the risk management process;**
- **1.3.6. a code of conduct and ethics-related policies are implemented;**
- **1.3.7. compliance with the code of conduct is integrated in the operations of the company; and**
- **1.3.8. the company's ethics performance should be assessed, monitored, reported and disclosed.**

Added to this Principle 2.14. states that the board and its directors should act in the best interests of the company:

- **2.14.1. The board must act in the best interests of the company.**
- **2.14.2. Directors must adhere to the legal standards of conduct.**
- **2.14.3. Directors or the board should be permitted to take independent advice in connection with their duties following an agreed procedure.**
- **2.14.4. Real or perceived conflicts should be disclosed to the board and managed.**
- **2.14.5. Listed companies should have a policy regarding dealing in securities by directors, officers and selected employees.**

The Australian based Independent Commission Against Corruption together with the Crime and Misconduct Commission (2004[20]) proposed a seven points framework for managing conflict of interest:

20 See Independent Commission Against Corruption and the Crime and Misconduct Commission (2004;15) Managing Conflict of Interest in the Public Sector Guidelines, at: http://www.cmc.qld.gov.au/data/

1. Identify the different types of conflicts of interest that typically arise in an organisation;
2. Develop an appropriate conflict of interest policy, management strategies and responses;
3. Educate staff, managers and the senior executive to publish the conflict of interest policies across the organisation;
4. Lead the organisation through example;
5. Communicate the organisation's commitment to its policy and procedures for managing conflict of interest to stakeholders, including contractors, clients, sponsors and the community;
6. Enforce the policy;
7. Review the policy regularly.

These easy-to-follow guidelines can be implemented at close to no cost and spare organisations from negative repercussions that conflicts of interest can have on the organisations' integrity and economic performance. It is worth noting that tackling conflict of interest is not just an exercise in guarding against unethical practices. Looking at the bigger picture, investors would prefer to invest in countries where transparency reigns supreme and where the standards of conduct reflect values such as openness and integrity. This ultimately enhances economic growth prospects and indicates that a given society is on the right socio-economic trajectory.

Some suggestions

Concerns of conflict of interest permeate conduct at various levels of state, from parliament to the civil service and even the private sector. Having a clear and comprehensive, if not watertight, regulatory environment in dealing with conflict of interest is an important point of departure in mitigating the potential damage that can be wrought by the practice and its consequences, whatever form they take and wherever they might occur.

However, Namibia appears to be falling short in understanding the nature and scope of conflict of interest, as it relates to corruption, and this is reflected in the country's lack of a comprehensive approach to dealing with the issue.

In this regard, the following broad recommendations are made:

a) That legislation – similar to South Africa's Executive Members' Ethics Act, 1998 (Act No 82 of 1998) – be introduced to comprehensively define the conduct of Ministers and presiding officers;
b) that such legislation incorporate and include codes of ethical conduct for the various tiers of the public sector bureaucracy;
c) that in the development and design of such regulations, the Anti-Corruption Commission (ACC), in line with its mandate, as defined by Article 3 of Chapter 2 (Establishment of Anti-Corruption Commission) of the Anti-Corruption Act, be involved;
d) that access to information be legislated for and that a national access to information policy be introduced.

More specifically, it is recommended that a more progressive and proactive regime, in the promotion of open, democratic and responsive governance, be implemented, incorporating the following:

I) That Ministers and presiding officers, upon acceptance of such a posting, publicly and comprehensively list their interests and divest themselves of such interests which might pose a conflict within a specified period of time.
II) That senior officials (CEOs and senior management of State-owned Enterprises, Permanent Secretaries, Under-Secretaries, Directors and Deputy Directors of Ministries) should disclose outside business interests annually.
III) That the ACC be adequately empowered and capacitated, to create and implement a comprehensive data base of the interests and liabilities of senior officials across the three branches of state – the legislature, the executive and the judiciary – and that such officials be legally required to comply with ACC requests for information pertinent to the maintenance of such a data base.

As for the private sector, it is suggested:

- that private sector umbrella bodies, across sectors, move towards introducing voluntary codes of good business conduct and practice;
- that such initiatives look to the King Report on Governance for South Africa 2009, or King III, for guidance in the formulation of such codes of conduct and practice.

portal/00000005/content/25370001124425549294.pdf Accessed April 11 2011

Appendix 1

Conflict of Interest in the Public Service

Interview with Under-secretary: Public Service Commission Secretariat – Mr Merimunu Kavitjene (on May 3 2011)

1. **What is your impression on conflict of interest within the Public Service? Are the recorded cases an accurate reflection of the situation on the ground?**
   Public Service Act (Section 17) regulates remunerative work outside the public service, and I think that's where the conflict of interest would arise for staff members in the public service. So, it's regulated so that it does not happen. What the annual reports show is a true reflection of the situation on the ground.
   What annual reports show are requests and permission granted. The Public Service Commission advises Permanent Secretaries or the Prime Minister whether or not to grant permission to requests by staff member to engage in remunerative work outside the public service.

2. **Does the Public Service Act No. 13 of 1995 adequately address conflict of interest in the public service?**
   There might be a need for reform, purely on the grounds that the Act makes provision for the Commission to advise for the granting of permission. But at the same time, you have the State Owned Enterprises Act that also regulates conflict of interest within the public service and this Act supersedes the Public Service Act, it's superior. And it provides that anyone serving on boards of institutions or parastatals who are state employees cannot receive a sitting allowance, yet we find staff members who keep on coming to the Commission to request for sitting allowances. These two acts need to be aligned or harmonised.

3. **Are there any mechanisms to verify that what has been disclosed is factual?**
   Who is to verify? It is incumbent on the staff member to come forward and to say I want to be clean and therefore they come forward and declare. Who is to verify? On the basis of what? If people do not declare, there is no way to verify – only when they are caught. The commission would hardly know that what has been declared is factual, because they do not have a basis on which to verify.

4. **Is there any other way that the Public Service Commission would be able to establish if conflict of interest is taking place other than the voluntary disclosure by those involved in remunerated work outside the public service?**
   It's only by disclosure, and it's a voluntary thing. If you do not declare, there is no way of knowing and you may continue doing it illegally until you are caught.

5. **How about a code of ethics to strengthen the Public Service Act? Has there been any talk about the latter?**
   There is a code of conduct within the Public Service Act which derives from Section 17 of the Act. There is even a Pocket Guide to Being a Public Servant and Code of Conduct is addressed in there.

6. **What about Performance Management Systems for senior officials as a way of dealing with potential instances of conflict of interest?**
   Performance Management Systems have been piloted and now introduced in some Ministries. It's purely on performance matters.

7. **How about an assets register for senior government officials e.g. Permanent Secretaries and Directors?**
   It could be something for the future. The Commission is aware including the Prime Minister that what we have in place is not adequate. Currently we have advertised a tender to do research on remunerative work outside of public service. The aim is to revamp the Public Service vis-à-vis remunerative work outside government. This research is envisaged to come up with findings and recommendations as to what should be done.

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About the Anti-Corruption Research Programme

The IPPR's Anti-Corruption Research Progamme will focus on strengthening anti-corruption regulations, procedures and practices. The Programme will provide a stocktaking of anti-corruption efforts so far, examine policy options for the future and recommend ways in which Namibia can ensure that the anti-corruption campaign retains public confidence and political support and is ultimately successful in reducing corrupt practices in Namibia.

The programme will pursue the following objectives.

1. Produce rigorous, detailed and accessible research on issues that contribute to the strengthening of anti-corruption systems, procedures and practices in Namibia
2. Raise awareness and debate among Namibian policymakers, politicians, civil society activists, students, journalists, the business community and interested members of the public about effective anti-corruption strategies and policies that could be deployed in Namibia.
3. Seek to partner with agencies involved in tackling corruption in Namibia, in particular the ACC, other civil society groups active on the issue and policymakers who can play a role in ensuring anti-corruption mechanisms in Namibia are effective.

About the IPPR

The Anti-Corruption Research Programme is a project of the Institute for Public Policy Research (IPPR). The IPPR can be contacted at PO Box 6566, Windhoek, Namibia. Tel: +264 61 240514, Fax: +264 61 240516, info@ippr.org.na. The publication is also available as a PDF download from http://www.ippr.org.na. The IPPR's mission is to deliver independent, analytical, critical yet constructive research on social, political and economic issues that affect development in Namibia. The IPPR was established in the belief that development is best promoted through free and critical debate informed by quality research. The IPPR is a not-for-profit organization governed by a board of directors: Monica Koep (Chairperson), Daniel Motinga, Bill Lindeke, Pandu Hailonga-van Dijk, André du Pisani, Robin Sherbourne and Graham Hopwood (ex officio).