



Namibia needs to close anti-corruption gaps

Namibia signed the United Nations Convention Against Corruption (UNCAC) on December 9 2003. Parliament ratified the Convention on April 28 2004.

The Convention introduces a comprehensive set of standards, measures and rules that all countries should apply to strengthen their legal and regulatory regimes to fight corruption. It calls for preventive measures and the criminalisation of the most prevalent forms of corruption in both public and private sectors.

According to Article 44 of the Namibian Constitution: “International agreements binding upon Namibia under this Constitution shall form part of the law of Namibia.” Hence, Namibia is obliged to implement a wide and detailed range of anti-corruption measures affecting laws, institutions and practices if it is to comply with the first global convention against corruption.

In terms of the Convention, Namibia’s adherence to UNCAC’s stipulations will be reviewed during 2014.

At present, Namibia is lacking in several key areas covered by UNCAC. As part of its Anti-Corruption Research Programme, the IPPR has identified the following areas as Namibia’s main weaknesses in terms of the country’s compliance with UNCAC.

- Namibia lacks a whistleblower protection law that would encourage public reporting despite President Pohamba’s calls (in both 2009 and 2012) for the introduction of such a law.
- Namibia does not have an access to information policy or law.
- Namibia lacks a comprehensive and effective law on the declaration of assets by parliamentarians. The National Assembly has failed to produce an



assets and interests register for its members during the lifetime of this parliament.

- Namibia lacks a holistic, comprehensive policy and legal approach to the declaration of assets by public servants.
- Namibia has no judicial code of conduct or system for declaration of assets for the judiciary.
- The Anti-Corruption Commission (ACC) does not have the capacity or resources for 'increasing and disseminating knowledge about the prevention of corruption' as required by UNCAC.
- The ACC does not have the resources and capacity to carry out a key part of its mandate: that is to advise public bodies and private bodies on ways of preventing corrupt practices and on changes of practices, systems and procedures aimed at reducing corrupt practices.
- Namibia does not prescribe criteria (related to past corrupt practices) concerning candidature for and election to public office.
- Namibia does not have legislative and administrative measures that enhance transparency in the funding of political parties.
- Namibia's public procurement decision-making is not always based on transparency, competition and objective criteria.
- Namibia can do more to enhance budget transparency and therefore improve management of public finances, for instance by introducing a pre-budget statement and a mid-year review.
- The National Assembly Public Accounts Committee is relatively powerless in terms of dealing with irregularities it becomes aware of concerning the national finances.
- The Auditor-General's reports are often not followed by corrective efforts or attempts to hold officials to account.
- Namibia's business umbrella bodies have not adopted codes of ethical conduct.

- Namibia does not have legislation outlawing the acceptance of or solicitation for a bribe by a foreign public official or an official of a public international organisation.
- Namibia lacks clear comprehensive policies and laws on the disqualification of people from public office and positions in state-linked agencies and companies.

The UNCAC review, due next year, presents an opportunity to tackle many of these issues and therefore ensure a positive report. Some legal reform in relation to these weaknesses is in motion, such as the proposed Public Procurement Bill and planned electoral reforms. However, in most cases – despite verbal commitments – there is no sign of the required policy and/or law.

No legislation on protection of whistleblowers has been introduced despite the President's repeated calls. The current National Assembly's persistent failure to produce a Register of Members' Interests (the last one appeared in 2009) points to the need for this to be a clear requirement in law. Despite a stated commitment to access to information going back to the 1990s, government has failed to introduce either a policy or a law. The role of the Public Accounts Committee can be enhanced through amendments to the State Finance Act, while the long-awaited Audit Bill should strengthen audit procedures and introduce sanctions for serious offenders.

The expected Electoral Matters Bill, due to be tabled in parliament in the first half of 2014, should ensure persons with corruption convictions cannot stand for office while also demanding transparency in the murky area of political party finance. Having now moved into its new building, the ACC should receive the funds required to enable it to fulfil its full mandate as set out in the Anti-Corruption Act – by expanding its investigations capacity and also increasing its ability to advise government institutions and educate the public.

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