



REPUBLIC OF NAMIBIA

NATIONAL ASSEMBLY STATEMENT

BY

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PRIME MINISTER OF THE REPUBLIC OF NAMIBIA

ON

**THE IMPACT OF CORRUPTION ON OUR ECONOMY AND THE
EFFECTIVENESS OF CURRENT EFFORTS TO DEAL WITH IT.**

NATIONAL ASSEMBLY

21 JUNE 2018

Honorable Speaker,
Honorable Members,

1. I rise to contribute to the motion by the Hon Muharukua on the impact of corruption on our economy and the effectiveness of current efforts to deal with it.
2. There is no doubt that corruption has a negative impact on economies and development. So the debate is really not about what the impact of corruption is, but rather how to optimize our efforts to curb and prevent corruption. It is for that reason that the fight against corruption is prioritized. Article 94A of the Namibian Constitution provides for Anti-Corruption measures and empowers the State to put in place administrative and legislative measures necessary to prevent and combat corruption.
3. In line with this Article of the Constitution, this House enacted an Anti-Corruption Act of 2003 as amended, to fight and prevent corruption. In terms of this law, an autonomous institution, the Anti-Corruption Commission, is established, whose Head is appointed by this house. In terms of the Anti-

Corruption Commission Act, section 2(1), the Commission is established as an independent and impartial body.

4. Section (3) of the Anti-Corruption Act assigns the following functions, amongst others, related to the fight against corruption; receiving, initiating and investigating allegations of corruptions; compiling evidence of corruption and submitting it to the relevant authorities, and conducting awareness as well as preventative measures against corruption.

Hon. Speaker,

Hon. Members,

5. A National Anti-Corruption Strategy (NACS) was adopted in 2016 to guide national efforts to deal with corruption in the country. The strategy outlines planned state actions to deal with corruption in the country by:

- (i) Increasing Political accountability
- (ii) Preventing corruption in O/M/A's- including examining the systems at OMA's to determine if there are any gaps that can be exploited to engage in corruption so that they are filled.

- (iii) Strengthening efforts to deter corruption
- (iv) Conducting extensive anti-corruption education
- (v) Preventing – Corruption in the Private Sector
- (vi) Engaging civil society and the media in combating corruption.

6. The Strategy articulates an action plan for the implementation of the strategy covering 3 years, from 2016 to 2019, with clearly defined outcomes and entails an implementation and coordination mechanism and a stakeholders coordinating committee which has membership from non-state actors such as: Media Ombudsman, Editors Forum, NCCI, NEF, CCN, NANGOF; alongside O/M/A's, watchdog institutions, Parliament and NYC as well as NIC.

7. The Coordinating Committee will, amongst others, develop a comprehensive monitoring and evaluation system with relevant indicators and periodically monitor and evaluate progress in the implementation of the NACS and compile an annual report to OPM on progress with regard to the implementation of the NACS. This report will, as per section 16(2) of the AC Act, be tabled by the Prime Minister in the National Assembly and the

Assembly may deal with this report in terms of its powers under the constitution and its rules and order book, including having its committees scrutinize the report and or conduct any hearings thereon.

8. Earlier on, this house passed the whistle blowers and witness protection bills into law. These will encourage the public to come forward with information about suspected or perceived corruption so that action is taken.
9. While I appreciate the need for a discussion on the impact of corruption on our economy and the effectiveness of the current efforts to deal with it, the call for an ad hoc Parliamentary committee to be established is, in my view, not necessary, as Parliament has several standing committees than can assist it to review any aspect related to this issue.
10. Further, this House is required to support and exercise oversight over watchdog institutions that carry out tasks related to fighting and preventing corruption. We should carry out our task in this regard in a manner that compliments the work of the watchdog institutions and not duplicate them. This is especially

given that the watchdog function of the watchdog institutions extend to members of this house.

Hon. Speaker,

Hon. Members,

11. This does not, in any way, mean that this House cannot come up with ideas to improve the system that we have adopted to deal with corruption. By all means we can, and I have, on numerous occasions, called upon this house to consider that, given the many expressions of concerns made in this house about the way our anti-corruption efforts are being pursued. I, however, don't think that the proposed approach under this motion is the appropriate way to go about it.

12. I would now like to touch on the assertions made that the executive has undue influence over the Anti-Corruption Commission through the appointment process for the Head and Deputy Head of the Commission and that the Commission is failing to act against senior executive officials who are accused of corruption.

13. On the appointment of the Head and Deputy Head of the Commission, this is done by the National Assembly and not the Executive. The National Assembly can always decline any nomination that is put forth that does not meet its approval. Further, the two officials can only be discharged from office on the resolution of the National Assembly.
14. On the alleged inaction of the Commission against senior executive members who are accused of corruption, this allegation is negated by the facts. In terms of the ACC reports, all cases brought to its attention are followed up and acted upon as per the provisions of the ACC Act. Under Section 18 (1) of the Act, the Commission is obliged to receive all allegations of corruption submitted to it and examine such allegations and investigate them or refer them to the relevant authority where the responsibility for dealing with the concerned matters rests with other Offices. The reports of the Commission's investigation are referred to the Prosecutor General, if there is reason to believe, based on the outcome of the investigation, that there has been an act of corruption, as alleged.

15. The Prosecutor General will, in terms of the powers granted to him/her, under the Law, decides whether or not the person accused should be prosecuted, after considering the matter referred to him or her by the Commission.
16. It is, therefore, not correct that the Commission can simply opt to not act on a matter because it relates to a person who holds a senior executive office. The Commission is bound under the ACC Act to act on reports submitted to it. Further, the Commission does not determine whether a person who is alleged to have committed a corrupt act should be prosecuted or not. It is the Prosecutor General who is empowered under the Law to do so.
17. The Commission is empowered under section 3(b) and 18 (1)(b) of the ACC Act to determine whether an investigation is warranted on reasonable ground. However, Section 18 (2) of the ACC Act prescribe factors to be considered in making such a decision, which include whether the allegation has been or is subject of an investigation by another office, and whether or not the allegation is frivolous or vexatious or is made in good faith.

18. In terms of the ACC annual report of 2015/2016, a total number of 401 cases of alleged corruption have been lodged with the Commission during the year under review. The report indicates that of the 401 cases, 184 were closed without investigation because of being frivolous, while 32 cases were closed after investigations found allegations to be unfounded or unsubstantiated. A further 99 cases were still under investigation and 3 cases are in court while the remaining cases are either pending decisions or referred for feedback.
19. Given this background, it is clear that the alleged institutional bias of the Anti-Corruption in favor of senior executive members is devoid of any truth. I must also point out that it is this House that exercises oversight over the Anti-Corruption Commission and not the Executive. Besides the appointment and discharge authority for the Commission's Head and Deputy Head resting with this House, it is to this House that the Commission reports and not the Executive.
20. Finally, as I indicated earlier, the establishment of an ad hoc parliamentary Committee is not advisable. Parliament can instead, make use of one of its Standing Committees to review

the issue of the effectiveness of our Anti-Corruption systems and the compliance of the enforcement institutions with these systems.

I thank you.