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Hanns
Seidel
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NAMIBIA AND THE UNITED NATIONS
CONVENTION AGAINST CORRUPTION (UNCAC)



BY FEDERICO LINKS

IPPR ANTI-CORRUPTION RESEARCH PROGRAMME

KEY ASPECTS

The UN Convention against Corruption (UNCAC) is the foremost instrument for overcoming global corruption and has been ratified by 194 countries to date. It is a binding agreement on standards and requirements for preventing, detecting, investigating and punishing corruption.

Namibia concluded the first phase of assessment – compliance with chapters III (Criminalisation and law enforcement) and IV (International cooperation) – under the United Nations Convention Against Corruption (UNCAC) at the end of 2015, and has subsequently commenced with the second phase of assessment – compliance with chapters II (Preventive measures) and V (Asset recovery) – running from 2016 to 2020.

However, while Namibia has been commended by the UN Office on Drugs and Crime (UNODC) for its overall progress in meeting its obligations under the Convention so far, the reviewers nevertheless emphasised that much still needed to be done.

This paper spotlights the progress made and the areas still in need of substantive action in order to bring the country into compliance with the areas reviewed during the first phase of the UNCAC assessment.

RECOMMENDATIONS

Given that compliance processes are ongoing and against the backdrop of Namibian authorities' rhetorical commitments to greater governance efficiency, transparency and accountability, the following broad recommendations are made:

- That all processes to bring Namibia into compliance with the UNCAC be more inclusive, cooperative and consultative, recognising that civil society, the private sector and the general public have a significant role to play in countering corruption and fostering good governance practices at all levels of state and society;
- More specifically, it is recommended that multi-stakeholder platforms and avenues for sustained broad-based participation and consultation be established or those already created, such as the National Anti-Corruption Steering Committee, make space for greater public participation;
- The Anti-Corruption Commission (ACC) and other stakeholders should make extensive efforts to make the public aware of the UNCAC review process - by issuing media statements about the status of the review and any progress made and by issuing key documents such as the self-assessment reports;
- That legislative measures aimed at making strategic governance areas – such as public procurement and contracting – more transparent and accountable be finalised and implemented as a matter of urgency;
- That the introduction of laws related to access to information, whistle-blower and witness protection be prioritised;
- That all necessary steps be taken to strengthen relevant institutional capacities, in line with the recommendations of the 2015 UNODC review report, in order to increase the efficacy of corruption-fighting offices and agencies.
- That the ACC in tandem with relevant government agencies publicly issue action plans specifically addressing any failures to comply with UNCAC and outlining courses of action (with timelines) in addition to any general strategy documents that may consider UNCAC compliance.



INTRODUCTION

Namibia is considered something of an 'island of success' in anti-corruption and good governance on the African continent. Namibia may not yet be considered a world-beater in the fight against corruption, but on a continent where good governance is still in short supply, the efforts of a handful of states like Namibia tend to stand out.

It should be noted that Namibia's anti-corruption efforts did not start with the ratification of the United Nations Convention Against Corruption (UNCAC). Tackling corruption has been a focus for political and bureaucratic deliberation and intervention since a specialist anti-corruption agency was first mooted in the mid-1990s.

In brief, these efforts culminated with the Anti-Corruption Act of 2003 (Act No. 8 of 2003), which Namibia promulgated months before signing up to UNCAC. Namibia became an UNCAC signatory on 9 December 2003 and the Namibian parliament ratified it on 27 April 2004.

UNCAC's over-arching objectives are to harmonise global anti-corruption efforts through standardising national and international responses and interventions – legislative and institutional – and to encourage and guide transnational cooperation and coordination. It sets out various obligations that ratifying states have to meet in order to comply with UNCAC provisions.

At the third Conference of the States Parties to the United Nations Convention against Corruption, held in Doha in November 2009, the Review Mechanism of Implementation of UNCAC was brought to life to assess ratifying states' implementation of and compliance with the provisions of the convention. At that meeting it was decided that assessments would be conducted through two phases of five years each, starting in 2010 and ending in 2020. The first phase thus ran from 2010 to the end of 2015. Namibia was one of the initial 35 countries identified for assessment.

The first assessment phase looked at states' performance on implementing the provisions of chapters III (Criminalisation and law enforcement) and IV (International cooperation) of the convention. In phase two, running from 2016 to 2020, assessments will be done under chapters II (Preventive measures) and V (Asset recovery).

The assessment process proceeded as follows: Relevant Namibian authorities – the Anti-Corruption Commission (ACC) and Ministry of Justice, in Namibia's case – were required to conduct a detailed self-assessment, followed by a country visit by an assessment team, under the auspices of the United Nations Office of Drugs and Crime (UNODC). Following the completion of the self-assessment process, the UNODC assessment team, comprising of representatives of the Ethiopian and Canadian governments, accompanied by UNODC officials, visited the country in April 2015. The UNODC team issued their report on Namibia's compliance with UNCAC's provisions in December 2015.¹

This paper briefly looks at what the UNODC assessment concluded about Namibia's performance under UNCAC during the first phase and spotlights where Namibia still needs to improve. The paper also highlights the factors that continue to stymie Namibian efforts towards full compliance.

UNCAC NOW (2003 – 2016)

When UN General Assembly resolution 58/4 was passed on 31 October 2003, the United Nations Convention Against Corruption (UNCAC) became the international

¹ The UNODC report on Namibia is available for download here - https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_01_29_Namibia_Final_Country_Report_.pdf

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standard against which states’ anti-corruption efforts would be measured. The day marked a watershed in the recognition of the pervasive and endemic nature of corruption globally.

Since its introduction almost a decade-and-a-half ago, UNCAC has attracted intense scrutiny from a variety of angles and stakeholders at global, continental, regional and local levels and while the framework enjoys immense support, criticisms of its shortcomings have become increasingly pronounced over the years.

UNCAC is primarily criticised for two shortcomings which have become glaring since its introduction. In the first instance, and chief amongst the criticisms of UNCAC, is the fact that it makes no provision for the censure of states if they fail to comply with or meet their obligations under the framework. There are no punitive measures built into the system in the event that a ratifying state party is in breach of the Convention. This is striking when considering that other prominent UN conventions and protocols – those concerning human rights – allow for the international community to act or pronounce itself if a member state is found in breach of the principles of specific agreements and accords. Corruption can be considered a human rights violation and as such states that do not take appropriate and adequate steps to deal with the phenomenon should be called out, so the reasoning goes.

In the second instance, is the stance that UNCAC does not explicitly call for an elevated multi-stakeholder approach, with special emphasis on the role of civil society, in the development and implementation of anti-corruption measures at national level. Civil society is not accorded a prominent, active role in the design of the anti-corruption landscape at member state level.

Other related criticisms of the framework are that the review mechanism does not make provision for prompt follow-up on reports and recommendations made by country review teams, and that it is silent on delayed or slow compliance, effectively making deadlines meaningless.

The following discussion should be viewed in this context, as these main criticisms of UNCAC and of the way Namibian authorities have been approaching, developing and implementing anti-corruption measures, come into play. There is a particular concern that Namibian civil society is not meaningfully included or consulted, and that quality public participation is not sought, in state-level anti-corruption initiatives, such as the recently established National Anti-Corruption Steering Committee.

Namibia – Militating and facilitating factors in anti-corruption

That Namibia has come a long way in countering corruption cannot be disputed. However, that much still remains to be done, is equally true. When viewing the Namibian anti-corruption landscape, it becomes clear to the discerning observer that there are both powerful mitigating and facilitating factors either discouraging or enabling effective countering of the scourge of corruption.

The following matrix attempts to broadly capture these factors.



NAMIBIA: Matrix of major facilitating and militating factors in the anti-corruption fight

Area	Facilitating factors	Militating factors
Policy Sector (domestic)	<ul style="list-style-type: none"> • Vision 2030 aims to eliminate corruption • Harambee Prosperity Plan commits government to implementing the National Anti-Corruption Strategy and Action Plan • National Development Plan 4 commits government to anti-corruption work and good governance • National Anti-Corruption Strategy and Action Plan 2016-2019 	<ul style="list-style-type: none"> • Anti-corruption policies not coordinated • Lack of comprehensive approach to conflict of interest • Lack of comprehensive approach to the declaration of assets by public servants
Policy Sector (regional, continental, international)	<ul style="list-style-type: none"> • United Nations Convention against Corruption ratified in April 2004 • United Nations Convention Against Transnational Organised Crime ratified in August 2002 • African Union Convention on Preventing and Combatting Corruption ratified in April 2004 • Southern African Development Community (SADC) Protocol Against Corruption ratified in April 2004 	
Legislative Sector	<ul style="list-style-type: none"> • Constitution amended in 2010 to enshrine Anti-Corruption Commission (ACC) • The Anti-Corruption Act, 2003 (Act No. 8 of 2003) established the ACC and provides for its powers and functions • The Prevention of Organised Crime Act, 2004 (Act No. 29 of 2004) provides for combatting of organised crime, money laundering, and racketeering among others • Financial Intelligence Act, 2012 (Act No. 13 of 2012) established a Financial Intelligence Unit that serves as a national centre for the collection, analysis and dissemination of information regarding potential instances of money laundering • Criminal Procedures Act, 1977 (Act No. 51 of 1977) 	<ul style="list-style-type: none"> • No access to information law • Lack of comprehensive witness protection programme • Lack of whistleblower protection legislation • Misaligned laws; e.g. mandate of ACC not recognised in Prevention of Organised Crime Act • No legislation outlawing the acceptance of or solicitation for a bribe by foreign public officials or an official of a public international organisation • No crime of illicit enrichment on statute books • Anti-Corruption Act does not specifically criminalise embezzlement when committed by a person in the private sector • Namibia's statute of limitations cannot be extended in relation to crimes of corruption

	<ul style="list-style-type: none"> • Bank of Namibia Act, 1997 (Act No. 15 of 1997) • Banking Institutions Act, 1998 (Act No. 2 of 1998) • Namibia Financial Institutions Supervisory Authority Act, 2001 (Act No. 3 of 2001) • Public Service Act, 1995 (Act No. 13 of 1995) • Public Procurement Act, 2015 updated the procurement regime to be more in line with the UNCAC • Companies Act, 2004 (Act No. 28 of 2004) • Electoral Act, 2014 (Act No. 5 of 2014) 	<ul style="list-style-type: none"> • Namibia lacks clear comprehensive policies and laws on the disqualification of people from public office and positions in state-linked agencies and companies • Namibia's extradition law is in need of review and amendment if it is to meet UNCAC standards • Namibia does not currently have laws that allow for the identifying, freezing and tracing of proceeds of crime or recovery of assets at the request of another state • Namibia does not have a law which authorises financial institutions to undertake enhanced scrutiny of accounts linked to individuals with prominent public functions and their immediate families and friends • The Financial Intelligence Act and related banking laws and regulations, while comprehensive in many respects, may not comply with all aspects of UNCAC including requirements for the monitoring of public officials' foreign bank accounts • The Prevention of Organised Crime Act of 2004 and the International Cooperation on Criminal Matters Act of 2000, while comprehensive in many respects, may not comply in all respects with Articles 53, 54, 55 and 56 of UNCAC
<p>Institutional Sector</p>	<ul style="list-style-type: none"> • Anti-Corruption Commission, mandated to prevent and investigate corruption and educate the public • Financial Intelligence Centre • Asset Forfeiture Unit handles cases related to the prosecution or criminal and corrupt activities • Organised Crime and Criminal Intelligence Unit, a specialised unit in the police force 	<ul style="list-style-type: none"> • ACC does not currently have the capacity or resources to effectively disseminate knowledge about the prevention of corruption • ACC not executing its mandate to advise public and private bodies on ways of preventing and reducing corruption • ACC's independence could be strengthened • Parliamentary oversight is weak • Auditor-General's reports often have little effect • Coordination and capacity problems delaying mutual legal assistance • No arm of executive responsible for ensuring UNCAC compliance



		<ul style="list-style-type: none"> • No mechanisms in place to enable effective organisation of joint investigations involving other states • Case bottlenecks and clogged courts throughout the judicial system • Shortage of investigative and expert capacity within law enforcement and regulatory sectors
Political Sector	<ul style="list-style-type: none"> • Positive statements from high-ranking officials, including: <ul style="list-style-type: none"> - President - Prime Minister - Director-General of ACC • UN country review on compliance with UNCAC commends Namibia for the "extensive effort and commitment, including at the highest level of government" to the review process 	<ul style="list-style-type: none"> • No clear anti-corruption 'champion' at Executive level of state
Media Sector	<ul style="list-style-type: none"> • Namibia ranks highly in international comparisons of press freedom • Freedom of expression and the media enshrined in the Constitution • Media considered effective in exposing government mismanagement and corruption 	<ul style="list-style-type: none"> • Occasional threats at Cabinet level to regulate the media
Public Perception	<ul style="list-style-type: none"> • Media considered effective in exposing government mismanagement and corruption 	<ul style="list-style-type: none"> • Goodwill towards ACC has subsided and it is seen as toothless • Two-thirds of Namibians think government is not doing well on tackling corruption (Afrobarometer) • Concern that politically sensitive instances of corruption are being avoided

AREAS OF PHASE 1 ASSESSMENT

As already mentioned, the areas of first phase assessment under UNCAC were chapters III (Criminalisation and law enforcement) and IV (International cooperation), which together encompass the bulk of UNCAC's substantive provisions. However, the discussion of provisions and the implementation assessment should not be read in isolation from the rest of the Convention's provisions, as the provisions are all complementary of each other and stack together towards creating a coherent national and international anti-corruption environment.

On the whole, the UNODC assessment team found that Namibia was compliant

with most of the provisions under scrutiny in this first phase of assessment.

When considering the UNODC team's impressions of the country's efforts to meet its obligations, the following statements from the report stand out as confirmation of the regard with which they held Namibian anti-corruption efforts to date:

"Namibia is commended for the extensive effort and commitment, including at the highest level of government, to the preparation and facilitation of the review process, in particular the knowledge by relevant officials of the Convention and their apparent receptiveness to implementing the review results."

"Effective coordination mechanisms among national authorities (for example, through the work of the FIC), including high-level support for the implementation of the Convention and the anti-corruption agenda."

Against this backdrop, the specific chapters and articles that Namibia was assessed under are the following:

Chapter	Articles
Chapter III Criminalisation and law enforcement	Article 15. Bribery of national public officials Article 16. Bribery of foreign public officials and officials of public international organisations Article 17. Embezzlement, misappropriation or other diversion of property by a public official Article 18. Trading in influence Article 19. Abuse of functions Article 20. Illicit enrichment Article 21. Bribery in the private sector Article 22. Embezzlement of property in the private sector Article 23. Laundering of proceeds of crime Article 24. Concealment Article 25. Obstruction of justice Article 26. Liability of legal persons Article 27. Participation and attempt Article 28. Knowledge, intent and purpose as elements of an offence Article 29. Statute of limitations Article 30. Prosecution, adjudication and sanctions Article 31. Freezing, seizure and confiscation Article 32. Protection of witnesses, experts and victims Article 33. Protection of reporting persons Article 34. Consequences of acts of corruption Article 35. Compensation for damage Article 36. Specialised authorities Article 37. Cooperation with law enforcement authorities Article 38. Cooperation between national authorities Article 39. Cooperation between national authorities and the private sector Article 40. Bank secrecy Article 41. Criminal record Article 42. Jurisdiction



Chapter IV International cooperation	Article 43. International cooperation Article 44. Extradition Article 45. Transfer of sentenced persons Article 46. Mutual legal assistance Article 47. Transfer of criminal proceedings Article 48. Law enforcement cooperation Article 49. Joint investigations Article 50. Special investigative techniques
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The ensuing sections portray the areas of assessment and how Namibia has performed to date, as well as where progress still needs to be made and what efforts are currently underway to achieve and ensure greater compliance.

Chapter III: Criminalisation and law enforcement

Areas	Compatibilities	Gaps	Progress
Bribery and trading in influence (arts. 15, 16, 18 and 21)	<p>Namibia has criminalised the bribery (active and passive) of public officials. The ACA prohibits the bribery of public officers, bribery in relation to auctions and bribery for giving assistance in relation to contracts (sections 33, 34, 38, 41, 42, 44 (1)(b) and the common law offence of bribery). Section 40, ACA criminalises the active bribery of foreign public officials and officials or agent of public international organizations. Namibia has adopted measures to partially criminalise trading in influence (sections 35(1)-(3), 42, 33, 34, 38(b), ACA). Namibia has criminalised bribery in the private sector (sections 33, 34, 35(1)-(3), 42, 44(1), 37, ACA).</p>	<p>Acts of indirect bribery and third party beneficiaries are not covered in respect of all bribery offences under ACA. Namibia is considering relevant amendments to explicitly criminalise passive transnational bribery. Namibia lacks a holistic, comprehensive policy and legal approach to conflict of interest by public servants. Namibia does not have a law which authorises financial institutions to undertake enhanced scrutiny of accounts linked to individuals with prominent public functions and their immediate families and friends.</p>	<p>No discernable progress has been made on closing gaps. Part of envisaged legislative reforms.</p>

<p>Money-laundering, concealment (arts. 23 and 24)</p>	<p>Money-laundering is criminalised, principally in sections 4-6, Prevention of Organised Crime Act (POCA), section 1 (1), Financial Intelligence Act 2012 (FIA) and section 45, ACA. Participatory acts, including inducing, inciting, commanding, conspiring and attempt are covered (section 46, ACA and the inchoate offence of aiding and abetting under the common law). Namibia follows an “all crimes” approach to determining predicate offences, which include activities committed both within and outside Namibia; self-laundering is not precluded (sections 4-6, POCA, section 50, ACA). Concealment is criminalised (section 45 (1) and 47, ACA; sections 4 and 5, POCA).</p>		
<p>Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)</p>	<p>Namibia has partially criminalised embezzlement, misappropriation or other diversion of property by public officials through common law offences of theft and fraud. Namibia has adopted measures to compel the disclosure of information concerning assets. The ACA criminalises the abuse of functions by public officials (section</p>	<p>Namibia has not criminalised illicit enrichment, but is considering adopting a relevant offence. The ACA does not specifically criminalise embezzlement when committed by a person in the private sector. Namibia lacks a holistic, comprehensive policy and legal approach to the declaration of assets by public servants.</p>	<p>No discernable progress has been made on closing gaps. Part of envisaged legislative reforms.</p>



	<p>43, Corruptly using office or position for gratification). Namibia applies the common law offences of breach of fiduciary duty and fraud to deal with embezzlement of property in the private sector.</p>	<p>Namibia does not have a law which authorises financial institutions to undertake enhanced scrutiny of accounts linked to individuals with prominent public functions and their immediate families and friends.</p>	
<p>Obstruction of justice (art. 25)</p>	<p>Namibia has partially criminalised obstruction of justice to induce false testimony or to interfere in the giving of testimony or the production of evidence (sections 39 and 47, ACA). Interference with justice or law enforcement officials is covered under the broad aspects of assaulting, resisting or obstructing officers (section 29, ACA). Other relevant provisions include section 47, ACA, section 89(3), POCA, sections 50(3), 53(5), 61(4) and 63, FIA, section 42(1)(i), CPA, and section 28, Magistrates Act 2003.</p>		
<p>Liability of legal persons (art. 26)</p>	<p>Namibian law provides for criminal, civil and administrative liability of legal persons, which is established irrespective of the liability of the natural persons involved. The Namibian legal framework allows for the imposition of criminal and non-criminal sanctions, including monetary sanctions, against legal persons.</p>		

“UNCAC makes no provision for the censure of states if they fail to comply with or meet their obligations under the framework.”

	<p>Civil and administrative penalties for corporations are contained in the Companies Act, 2004 and the Close Corporation Act, 1998.</p>		
<p>Participation and attempt (art. 27)</p>	<p>Sections 46, ACA, 5 POCA and 286-287, CPA, as well as the inchoate offence of aiding and abetting, cover participation and attempts to commit offences.</p>	<p>The mere preparation of an offence, outside the acts of aiding and abetting, is not criminalised.</p>	
<p>Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)</p>	<p>The applicable penalties for corruption-related offences are determined on the basis of the gravity of the crime. All corruption-related offences are sanctioned with various years of imprisonment. Apart from the President of the country, who cannot be charged criminally for any act or omission during his tenure of office (Article 31, Constitution), no public officials, as defined in the UNCAC, are afforded any criminal immunities. The Prosecutor-General has the discretion to decide whether to proceed with a prosecution or to withdraw it, subject to the provisions of the Constitution (Article 88(2)). Disciplinary measures, including the possibility of dismissal, suspension and reassignment of</p>	<p>There are no statutory provisions dealing with the mitigation of punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence, although cooperation may be taken into account during sentencing. Namibian authorities indicated that a plea bargaining system could allow the prosecution to more speedily and effectively dispose of cases. Namibia should introduce a holistic, comprehensive system that disqualifies people convicted of corruption from public office, either through new legislation and/ or amendments to existing laws such as the Public Service Act and the laws establishing parastatals. At present, only people wanting to become members of</p>	



	<p>accused persons, may be taken on the basis of disciplinary procedures, which may run in parallel to the criminal process (section 26, Public Service Act 1995 (PSA)).</p> <p>Convicted persons are disqualified from becoming members of the National Assembly (article 47, Constitution) and from the Public Service (sections 26(12) and 26(18), PSA). The disqualification from serving in a State-owned enterprise (SOE) based on a prior conviction is addressed in the relevant legislation of each SOE. Rehabilitation and welfare services are available to all prisoners.</p> <p>Limited measures to protect cooperating defendants are in place (sections 48, 52, 54(4), ACA; 9(1), POCA; 45, FIA).</p>	<p>parliament or directors of companies face being barred due to previous convictions.</p>	
<p>Protection of witnesses and reporting persons (arts. 32 and 33)</p>	<p>Section 52, ACA provides limited protections for informers and information (witnesses and whistleblowers). Limited protection measures for witnesses and reporting persons are also contained in sections 54(4), ACA; 45 and 50, FIA; 175 and 208, CPA; and 98, POCA.</p> <p>While the protection of victims is not addressed, the CPA allows for the</p>	<p>Namibia does not have a witness and whistleblower protection programme and faces self-reported challenges in this area.</p>	<p>A draft Witness and Whistleblower Protection Bill has been approved by Cabinet, and Namibia reported that it will use the Convention as basis for agreements with other States in implementing this legislation once passed.</p>

	views and concerns of victims to be presented and considered during criminal proceedings (sections 305, 326).		
Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)	<p>Namibia provides for conviction- and value-based confiscation of proceeds of crime and instrumentalities used, but not destined for use, in offences (sections 18, 20, 32, 37 POCA).</p> <p>Instrumentalities of crime are subject to limited confiscation measures in relation only to serious offences enumerated in Schedule 1, POCA. Various provisions, primarily in POCA, ACA, CPA and FIA, address the identification, tracing, freezing or seizure of proceeds and instruments by relevant authorities; the same laws also address the administration of frozen, seized or confiscated property by competent authorities.</p> <p>Provisions to overcome bank secrecy are found in POCA (section 9(5)), FIA (sections 44(1), 3(g)), ACA (sections 26, 27)), CPA (sections 20, 21)), as well as the Banking Institutions Act. Provisions in CPA, FIA and the Banking Institutions Act 1998 enable information pertaining to bank records to be disclosed for</p>	The Financial Intelligence Act and related banking laws and regulations, while comprehensive in many respects, may not comply with all aspects of UNCAC including requirements for the monitoring of public officials' foreign bank accounts.	No discernable progress has been made on closing gaps. Part of envisaged legislative reforms.



	investigative purposes. ACC routinely issues summons for bank records under section 26 ACA		
Statute of limitations; criminal record (arts. 29 and 41)	The period of limitations for corruption-related offences is twenty years from the date the offence was committed (section 18, CPA).	There is no legislative basis for judicial authorities to take into account previous foreign (as opposed to domestic) convictions. Namibia's statute of limitations cannot be extended in relation to crimes of corruption.	No discernable progress has been made on closing gaps. Part of envisaged legislative reforms.
Jurisdiction (art. 42)	Namibia has established jurisdiction over offences committed in its territory (sections 64, FIA; 50(1) ACA; 8, POCA) but not for all offences on board of vessels or airplanes.	No discernable progress has been made on closing gaps. Part of envisaged legislative reforms.
Consequences of acts of corruption; compensation for damage (arts. 34 and 35)	The consequences of corruption are addressed in sections 36(16), FIA and 13, Tender Board Regulations 1996. Compensation for damages may be obtained (sections 32(3), 39, POCA, 326(1), CPA). Moreover, as a matter of practice damages are claimed through the mechanisms of the civil procedural laws.	Namibia does not keep comprehensive registers of companies and individuals who are barred from bidding for or accepting government contract work due to previous transgressions, including involvement in acts of corruption. The current Tender Board Act does not explicitly bar companies from future bidding.	No discernable progress has been made on closing gaps. Part of envisaged legislative reforms.
Specialised authorities and inter-agency coordination (arts. 36, 38 and 39)	Sections 2 and 3, ACA establish the ACC as an agency within the Public Service and provide for a measure of independence of the Commission in the appointment of the Director and Staff.	There is no ministry or other arm of the executive responsible for ensuring UNCAC is complied with and which can act as a liaison point, particularly with the Office of the UN	No discernable progress has been made on closing gaps. Part of envisaged legislative reforms.

“The review mechanism does not make provision for prompt follow-up on reports and recommendations made by country review teams and it is silent on delayed or slow compliance.”

	<p>Other relevant institutions include the Organised Crime and Criminal Intelligence Unit (specialised money-laundering unit) within the Police, a specialised prosecution unit within Office of the Prosecutor General for extradition and mutual legal assistance, and the FIC in the Bank of Namibia.</p> <p>Cooperation between national authorities is ensured primarily through interagency memoranda of agreements.</p> <p>Relevant provisions are found in sections 31, 48, 3, ACA; 56, FIA; 88, POCA; 64 (4), Banking Institutions Act 1998.</p>	<p>Secretary General. Article 39 refers to state parties taking measures to ensure “cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions”. Such cooperation appears ad hoc in Namibia.</p>	
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Chapter IV: International cooperation

Areas	Compatibilities	Gaps	Progress
<p>Extradition, transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45, 47)</p>	<p>The primary legislation governing extradition is the Extradition Act 1996 (EA). Extradition is rendered on the basis of an agreement or by designation/ proclamation of countries. The extradition to designated countries or on the grounds of reciprocity does not require a treaty basis.</p> <p>Dual criminality is a requirement for extradition, which</p>	<p>Namibia has not applied this Convention as the legal basis for extradition in respect to offences under the Convention, although it could do so in principle. Extradition is limited to the extent that not all offences under the Convention are criminalised. Although extradition, sought for purposes of enforcing a sentence, would not be refused on the</p>	<p>Amendments to the EA were being considered that would ease evidentiary requirements while safeguarding due process rights, as well as the promulgation of timelines or procedures to expedite extradition matters.</p>



	<p>may be effected for offences punishable by a minimum of one year imprisonment under the laws of both the requesting and requested countries (section 3(1), EA). This covers offences established under the Convention.</p>	<p>basis of nationality, this is not specified in the legislation. Namibia requires a treaty basis for the transfer of sentenced persons (section 2, Transfer of Convicted Offenders Act 2005). No such agreements have been entered into, but the adoption of ad hoc agreements has been considered. Namibia has considered, but not adopted, measures on the transfer of criminal proceedings.</p>	
<p>Mutual legal assistance (art. 46)</p>	<p>The International Cooperation in Criminal Matters Act 2000 (ICCMA) provides the legal framework for mutual legal assistance (MLA). Namibia does not require a treaty for MLA and can provide assistance by designation/ proclamation, on the basis of reciprocity and on the basis of the Convention. In practice direct communication and cooperation between designated central authorities is possible and accepted. Requests are frequently received through INTERPOL and are required to be made in writing in English. Namibia can share information spontaneously and has done so in the past.</p>	<p>The Minister of Justice has wide discretion to grant or refuse requests, including on the grounds set forth in the article 6 of the SADC Protocol on Mutual Legal Assistance In Criminal Matters. However, these grounds are not spelled out in ICCMA. There is no domestic legislation on confidentiality of information received spontaneously. Namibia's legislation does not allow for videoconferencing. The customary length of time for responding to MLA requests is expected not to exceed three months. There are reported domestic coordination problems and limited capacity in responding to requests.</p>	<p>The MLA Act is under review to bring it more closely in line with the Convention.</p>

	As a matter of practice, Namibia consults with		
Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49, 50)	Namibia's law enforcement authorities cooperate through a variety of networks and informal channels. Namibia participates in regional and international fora such as INTERPOL and the Southern African Regional Police Chiefs Commission (SARPCCO), as well as in regional fora dealing with AML/CFT issues, such as the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) and the Financial Action Task Force on Money Laundering and Terrorism Financing (FATF). Nampol participates in the STAR INTERPOL focal points network. Namibia also cooperates through the Asset Recovery Inter-Agency Network of Southern Africa (ARINSA) and generates informal contacts through the Southern African Forum against Corruption (SAFAC). Nampol is also part of the steering committee for the establishment of the African Police Cooperation Organisation (AFRIPOL). Nampol has entered into several bilateral agreements with other police forces and services, within and outside the	Namibia has not used the Convention as a basis for direct law enforcement cooperation, but could in principle do so. While Namibia does cooperate with other state parties to enhance the effectiveness of law enforcement, the arrangements often appear to be ad hoc and informal.	Namibia's authorities engage in a wide range of law enforcement cooperation in particular at the regional level and through INTERPOL through a variety of frameworks, agreements and arrangements; in particular, the informal cooperation by Nampol, the ACC, FIC and other law enforcement authorities at the international level are positively noted.



	SADC region to cooperate in the fight against crime		
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NAMIBIA – TECHNICAL AND CAPACITY ASSISTANCE NEEDS

While Namibia appears to be endeavouring to meet its obligations under UNCAC and has made strides (even before the commencement of the first phase of assessments from 2010) in the right direction, it has also become clear that the relevant authorities are constrained in their efforts to comply by significant resources and capacity challenges. In essence, there is a shortage of expertise, experience and specialist skills, compounded by facilities and funding constraints, across the board (i.e. law enforcement, judicial and regulatory). These constraints are long term and well documented and will arguably remain for the foreseeable future.

In its assessment of the shortcomings of the Namibian response to meeting its obligations under UNCAC, the UNODC team spotlighted the constraints afflicting the efforts of relevant frontline Namibian authorities in the war on corruption. This section takes a look at the salient areas of concern and the sort of assistance the country needs if it is to make headway in the fight against corruption.

Chapter III: Criminalisation and law enforcement

Article	Challenge	Assistance needed
<p>Article 16 Bribery of foreign public officials and officials of public international organisations Paragraph 2</p> <p>2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organisation, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Limited capacity (e.g. human/technological/institution/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. On-site assistance by an anti-corruption expert: Law enforcement officials are not fully acquainted with this concept and need some training on the concept.

<p>Article 20 Illicit enrichment Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.</p>	<ol style="list-style-type: none"> 1. Inadequacy of existing normative measures (Constitution, laws, regulations, etc.); 2. Specificities in its legal system. 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Model legislation; 3. Legislative drafting; 4. Legal advice; 5. On-site assistance by an anti-corruption expert.
<p>Article 21 Bribery in the private sector Subparagraph (b) Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic financial or commercial activities: The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Limited capacity (e.g. human/technological/ institution/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Legal advice; 3. On-site assistance by an anti-corruption expert.
<p>Article 22 Embezzlement of property in the private sector Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position</p>	<ol style="list-style-type: none"> 1. Specificities in its legal system; 2. Limited capacity (e.g. human/technological/ institution/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Model legislation; 2. Legislative drafting; 3. Legal advice.



<p>Article 30 Prosecution, adjudication and sanctions Paragraph 10 10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.</p>	<ol style="list-style-type: none"> 1. Inter-agency coordination; 2. Specificities in its legal system 3. Competing priorities 4. Limited capacity (e.g. human/technological/institution/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. On-site assistance by an relevant expert 3. Legal advice.
<p>Article 31 Freezing, seizure and confiscation Paragraph 9 9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third parties.</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Specificities in its legal system; 3. Limited capacity (e.g. human/technological/institution/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Legislative drafting 3. Development of an action plan for implementation 4. Capacity-building programmes for authorities responsible for the establishment and management of systems for the administration of frozen, seized or confiscated property 5. Legal advice <p>Such assistance has been partly provided to Namibia to date.</p>
<p>Article 32 Protection of witnesses, experts and victims Paragraph 5 5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Inadequacy of existing implementing normative measures (laws, regulations, etc.); 3. Competing priorities 4. Limited capacity (e.g. human/technological/institution/other); 5. Limited awareness of state-of-the-art programmes and practices for witness and expert protection; 6. Limited resources for implementation: Witness protection is applied within the means available to the State, mainly in cases that pose a high risk for witnesses. <p>Protections are expensive to implement.</p>	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Legal advice; 3. Model legislation; 4. Capacity-building programmes for authorities responsible for establishing and managing witness and expert protection programmes; 5. On-site assistance by a relevant expert; 6. Development of an action plan for implementation; 7. Model agreement(s)/ arrangement(s);

“As Namibia commences phase two of its UNCAC compliance processes, it is hoped that relevant authorities will make space for meaningful and sustained interaction with and inputs from civil society and the broader public.”

		8. Capacity-building programmes for authorities responsible for establishing and managing witness, expert and victim protection programmes.
<p>Article 33 Protection of reporting persons Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Limited awareness of state-of-the-art systems and programmes to protect reporting persons; 3. Limited capacity (e.g. human/technological/institution/other); 4. Limited resources for implementation (e.g. human/financial/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Legal advice; 3. Model legislation; 4. Capacity-building programmes for authorities responsible for establishing and managing protection programmes for reporting persons; 5. On-site assistance by a relevant expert; 6. Development of an action plan for implementation.
<p>Article 36 Specialised authorities Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialised in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks</p>	<ol style="list-style-type: none"> 1. Limited capacity: Namibia would require capacity-building and training for its law enforcement personnel, in particular staff in the Anti-Corruption Commission, the Namibian Police, Prosecutor General's office, Financial Intelligence Centre in the Bank of Namibia, the Customs and Excise Department and immigration officials on the full implementation of the Financial Intelligence Act and Anti-Corruption Act, including handling and investigating corruption cases, depriving offenders of the proceeds of corruption, and sensitising staff to international best practices. Specifically, the Namibian police force indicated that it requires technical assistance in the specialist training of detectives in the following fields of investigation: money-laundering, cyber-crime, tracing proceeds of unlawful activities, and tax evasion investigations. 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Legal advice; 3. On-site assistance by an anti-corruption expert; 4. Development of an action plan for implementation



<p>Article 37 Cooperation with law enforcement authorities Paragraph 5</p> <p>5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Specificities in its legal system; 3. Competing priorities; 4. Limited capacity (e.g. human/technological/institution/other); 5. Limited resources for implementation (e.g. human/financial/other). 	<ol style="list-style-type: none"> 1. Summary of good practices/lessons learned 2. Legislative drafting 3. Legal advice 4. On-site assistance by a relevant expert 5. Development of an action plan for implementation 6. Model legislation 7. Capacity-building programmes for authorities responsible for establishing and managing protection programmes: Namibia would require capacity-building and training for all competent institutions, in particular staff involved in international cooperation matters, judges, the Anti-Corruption Commission, the Namibian Police, Prosecutor General's office, Financial Intelligence Centre in the Bank of Namibia, the National Intelligence, the Customs and Excise Department and immigration officials on the full implementation of the Financial Intelligence Act and Anti-Corruption Act, including handling and investigating corruption cases, depriving offenders of the proceeds of corruption, and sensitising staff to international best practices. 8. Model agreements/arrangements.
<p>Article 39 Cooperation between national authorities and private sector Paragraph 2</p> <p>2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Limited resources for implementation (e.g. human/financial/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. On-site assistance by a relevant expert 2. Capacity-building programmes for authorities responsible for regulating matters related to the private sector 3. Summary of good practices/lessons learned 4. Legislative drafting 5. Legal advice. <p>Namibia indicated that this assistance has been partially provided to date.</p>

Chapter IV: International cooperation

“Multi-stakeholder platforms should be established to make space for greater public participation in the UNCAC review process.”

Article	Challenge	Assistance needed
<p>Article 44 Extradition Paragraph 18 18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination; 2. Inadequacy of existing normative measures (constitution, laws, regulations, etc.); 3. Competing priorities 4. Limited capacity (e.g. human/technological/institution/other); 5. Limited resources for implementation (e.g. human/financial/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review</p> <ol style="list-style-type: none"> 1. Model treaties; 2. Summary of good practices/lessons learned; 3. Legal advice; 4. On-site assistance by a relevant expert; 5. Capacity-building programmes for authorities responsible for international cooperation in criminal matters. <p>UNODC has provided assistance to Namibia in 2011 with regards to the proposed amendments to the Extradition and International Cooperation in Criminal Matters Act.</p>
<p>Article 46 Mutual legal assistance Paragraph 30 30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.</p>	<ol style="list-style-type: none"> 1. Inter-agency co-ordination: There are often significant delays in receiving responses to Namibia’s requests for mutual legal assistance. Namibia’s responses are often de-layed due to inter-agency coordination problems and limited capacity to respond to such requests; 2. Specificities in its legal system; 3. Limited capacity (e.g. human/technological/institution): for example, as noted under art. 46(22), a workshop with INTERPOL and relevant parties (eg, domestic law enforcement, FIC, ACC and others) would be useful to explore the possibility of establishing standard operating and communication procedures, in particular where multiple States are involved in the request; 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Capacity-building programmes for authorities responsible for international cooperation in criminal matters: with regard to subparagraphs 3 (j) and 3 (k) of article 46, training on asset forfeiture and asset recovery is needed; 3. On-site assistance by an anti-corruption expert: Law enforcement officials are not fully acquainted with this concept and need some training on the concept.



	<p>4. Other issues: The International Cooperation in Criminal Matters Act is presently being reviewed to assess the possibility of introducing measures to implement subparagraphs 3 (j) and 3 (k) of article 46.</p>	
<p>Article 47 Transfer of criminal proceedings States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.</p>	<ol style="list-style-type: none"> 1. Inadequacy of existing normative measures (constitution, laws, regulations, etc.); 2. Specificities in its legal system; 3. Limited capacity (e.g. human/technological/institution/other). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. Capacity-building programmes for authorities responsible for international cooperation in criminal matters. <p>None of these forms of technical assistance have been provided to Namibia to-date.</p>
<p>Article 48 Law enforcement cooperation Paragraph 3 3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.</p>	<ol style="list-style-type: none"> 1. Other: limited information sharing and coordination mechanisms with other States for the early identification of offences (UNCAC art. 48(1)(f)). 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> 1. Good practices/lessons learned: Learning from best practices of other countries to identify corruption prone areas (eg, the public service and elected officials, as well as cybercrime) is needed, and information sharing/knowledge exchange in these areas should be promoted. <p>None of these forms of technical assistance have been provided to Namibia to-date.</p>
<p>Article 50 Special Investigative Techniques 1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such</p>	<ol style="list-style-type: none"> 1. Specificities in its legal system; 2. Limited awareness of state-of-the-art special investigative techniques. 	<p>Namibia has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review</p> <ol style="list-style-type: none"> 1. Summary of good practices/lessons learned; 2. On-site assistance by a relevant expert;

<p>measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.</p> <p>2. For the purpose of investigating the offences covered by this Convention, States Parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.</p> <p>3. In the absence of an agreement or arrangement as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a case-by-case basis and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.</p> <p>4. Decisions to use controlled delivery at the international level may, with the consent of the</p>		<p>3. Capacity-building programmes for authorities responsible for designing and managing the use of special investigative techniques.</p> <p>None of these forms of technical assistance have been provided to Namibia to-date.</p>
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States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part		
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THE ACC RESPONSE

The Namibian Anti-Corruption Commission (ACC) as the vanguard of Namibian anti-corruption efforts, submitted the following responses to questions from the IPPR on the status of Namibia's progress in complying with its phase one obligations under UNCAC and the way forward into the phase two review:

1. "The authorities are giving due attention to the recommendations, the National Anti-Corruption Strategy has been approved by Cabinet. The Steering Committee was launched on 26 September 2016. The implementation of the strategy will commence in earnest.
2. A Bill on Whistleblower [protection] has been drafted and a bill on Witness Protection has also been drafted. These Bills are in the custody of the Ministry of Justice and are receiving due attention.
3. The process of reviewing the entire Anti-Corruption Act starts in October 2016 as provided for in the National Anti-Corruption Strategy and Action Plan. The review will mainly focus on the recommendations contained in the Country Review Report as well as on proposals/suggestions that emanated from members of the public and ACC's own experience during the past years.
4. The Ministry of Justice is already focusing on amending the Extradition Act to ensure that Namibia does not become a safe haven for fugitives.

NB: the review of the Anti-Corruption Act like other laws will undergo procedural processes, thus stakeholders will be engaged to make their inputs accordingly, as they did with the development of the National Anti-Corruption Strategy."

CONCLUSIONS

Namibia has so far done relatively well – especially when compared to her neighbours and peers on the continent – in meeting her obligations under the UNCAC. At the same time it is clear that Namibia falls short of meaningful compliance in all areas. In other words, the the anti-corruption environment is still in a state of evolution.

Authorities – political, bureaucratic and regulatory – need to realise that effectively fighting corruption does not come down to just the activities of a spear-heading agency, law enforcement bodies and/or judicial actors, but essentially requires buy-ins from civil society and the greater public. This is something that Namibian authorities across the board do not seem to recognise.

To be clear, in order for Namibia to effectively make headway in the fight

against corruption, it needs to be realised that civil society should occupy a prominent spot at the discussion and decision-making table, as civil society probably comes with different and valuable insights and perspectives, not to mention relevant expertise and experience, that would assist in strengthening and complementing state-sector driven anti-corruption efforts.

As Namibia commences phase two of its UNCAC compliance processes, it is hoped that relevant authorities, in the spirit of the Geingob administration's expressed commitment to increased transparency and accountability in public sector governance and policy and law making, will make space for meaningful and sustained interaction with and inputs from civil society and the broader public in the fight against corruption.



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NOTES

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ABOUT THE AUTHOR

Frederico Links is the Editor of Insight Namibia magazine, which reports on business, economics and current affairs. He has been an IPPR Research Associate since 2009. His research work for the IPPR has focussed on governance issues, anti-corruption strategies, democracy and elections, party political finance, and public procurement.

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The Institute for Public Policy Research was established in 2001 as a not-for-profit organisation with a mission to deliver independent, analytical, critical yet constructive research on social, political and economic issues that affect development Namibia.

Institute for Public Policy Research (IPPR)
House of Democracy
70-72 Frans Indongo Street
PO Box 6566
Windhoek
Namibia
info@ippr.org.na
<http://www.ippr.org.na>

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Hanns Seidel Foundation Namibia.
House of Democracy
70-72 Dr Frans Indongo Street
PO Box 90912
Windhoek Namibia
info@hsf.org.na
<http://www.hss.de/namibia/en/home.html>

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Directors: M M C Koep, D Motinga, M Humavindu, N Nghipondoka-Robiati, J Ellis, G Hopwood