



ANNUAL REPORT

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"NEMBEZA WESIVE"

Report Corruption:

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COMMISSIONER'S STATEMENT

I hereby submit the 2016-2017 Financial Year Annual Report, in compliance with the provisions of Section 20 of the Prevention of Corruption Act, No 3 of 2006 (POCA) on the activities of the Anti Corruption Commission (ACC).

The Commission continues to fight corruption relentlessly. However, the backlog of corruption cases is continues to be a serious challenge to the fight against corruption in the country.

Country Commitment

The political leadership of the country has shown continuous commitment to the fight against corruption. His Majesty King Mswati III has on several occasions condemned acts of corruption that rob the public purse of millions of Emalangeni thereby undermining economic development.

Operational Performance

The Commission continues to strive to implement the 2014-2018 Strategic Plan that seeks to capacitate the Commission to be fully functional.

Progress was made on the three-pronged mandate of prevention, education and investigations. In the area of investigations, the Commission utilised its collaboration with the Inter-agency Task Team to complement the Commission's efforts.

During the year under review, the most reported complaints include fraud, conflict of interest, bribery and offences that relate to judicial officers. However, we continue to note. We have noted that there is an influx of reported complaints that are outside the ACC mandate. With regard to prevention and education, a substantial number of educational awareness exercises were conducted across sectors and stakeholders. Prevention exercises were also conducted within the public and private sector.

Budget Constraints

The estimated operational budget of E31, million for the financial year was approved which was a significant improvement from the E11 million Emalangeni over the previous years. However, only 20 million was released. The ACC managed to produce some results within the released budget.

Challenges

Office Accommodation and Security

Among the many operational challenges negatively impacting on the ACC, office accommodation and security of officers continue to be a major challenge. The Commission's Offices are currently housed at Mbandzeni House on the first and third floors respectively. Enforcing security measures in the present offices remains a challenge. This poses a serious security threat. Moves by Government to provide a standalone building hit a snag.

Conclusion

I would like to conclude by thanking the Government of Swaziland for the financial and technical support given to the Commission during the reporting year.

I would also like to take this opportunity to thank various Ministries and departments, in particular, the Ministry of Justice and Constitutional Affairs, Ministry of Public Service, Ministry of Finance, the Director of Public Prosecution's Office, the Royal Swaziland Police, civil servants in various Ministries for the assistance rendered to the Commission during the year. I would also like to appreciate the United Nations Development Programme (UNDP) for the financial assistance provided for the Commission's programmes.

Finally, I would also like to thank members of staff of the Commission, for working striving to fulfil the Commission's mandate.

AUBREY THANDA MNGWENGWE
ACC COMMISSIONER

CHAPTER ONE

1.0 INTRODUCTION

Brief History of the Commission

The Anti Corruption Commission was established in 1998 by the Prevention of Corruption Order, No. 19 of 1993. It experienced a number of challenges which hindered its performance.

During the year 2002, the case of the Crown Vs Mandla Ablon Dlamini, Criminal Case Number 7 of 2002, interrupted the operations of the Commission as the High Court held that the Prevention of Corruption Order of 1993 was null and void. This ruling paralyzed the Commission and all activities pertaining to operations came to an abrupt halt.

This stalemate position obtained until 2005 when the Supreme Court of Appeal set aside the ruling of the High Court. The Supreme Court of Appeal declared the Prevention of Corruption Order of 1993 valid and enforceable. Minimal activities were then undertaken by the Commission until the passing enactment of the Prevention of Corruption Act (POCA) No. 3 of 2006.

In 2008, the present Commission was re-launched into operations after its establishment by the Prevention of Corruption Act No. 3 of 2006. The Commission is headed by the Commissioner, who is appointed under the provisions of Section 4 of the POCA and is responsible for the proper administration of the Commission. The Commissioner is assisted by two Deputy Commissioners and other staff appointed under the provision of Section 8 of the Act.

In 2013, the current Commissioner was appointed by His Majesty King Mswati III for a period of five years.

1.1 THE COMMISSION

The Commission has two Departments, namely, the Administration Department and the Operations Department. The Administration Department is headed by a Deputy Commissioner Administration (DCA) while the Operations is headed by a Deputy Commissioner Investigations and Asset Recovery.

Vision

Working towards a corruption free society in the Kingdom of Swaziland

Mission

To be the leading law enforcement partner in preventing and combating all forms of corruption in the Kingdom of Swaziland, in both public and private sectors.

Motto

Nembeza Wesive (Conscience of the Nation)

Values

The Commission is committed to upholding its core values that are the driving force behind the organisation:

Integrity;

Transparency;

Accountability;

Confidentiality;

Excellence;

High Standards of Ethics;

Impartiality;

Professionalism;

Respect

Mandate

The mandate for the Commission is drawn from Section 10 of the Prevention of Corruption Act, 2006 which outlines the following functions of the Commission:

- a. Take necessary measures for the prevention of corruption in public and private bodies, including, in particular, measures for:

- i) Examining the practices and procedures of public and private bodies in order to facilitate the discovery of corrupt practices and secure the revision of their methods of works or procedures which, in the opinion of the Commissioner, may be prone or conducive to corrupt practices;
 - ii) Advising public and private bodies on the ways and means of preventing corrupt practices, and on changes in the methods of work or procedures of those public and private bodies compatible with the effective performance of their duties, which the Commissioner considers necessary to reduce the likelihood of the occurrence of corrupt practices;
 - iii) Disseminating information on the evil and dangerous effects of corrupt practices on the society;
 - iv) Enlisting and fostering public support against corrupt practices;
- b) Receive and investigate complaints of alleged or suspected corrupt practices made against any person, and refer appropriate cases to the Director of Public Prosecutions;
 - c) Investigate any alleged or suspected offences under this Act or any other offence disclosed during such an investigation;
 - d) Investigate any alleged or suspected contravention of any of the provisions of the fiscal and revenue laws of the country;
 - e) Assist any law enforcement agency of the Government in the investigation of offences involving dishonesty or cheating of the public revenue;
 - f) Investigate the conduct of any public officer which in the opinion of the Commissioner may be connected or conducive to corrupt practices;
 - g) Instruct, advise and assist any person, on the request of that person, on ways in which corrupt practices may be eliminated by that person; and
 - h) Do all such things as may be necessary for the prevention of corruption and the furtherance of the objects of this Act.

CHAPTER TWO

2.0 OPERATIONS DEPARTMENT

The Operations Department of the Commission is responsible for all operational functions of the Commission. This Department is headed by the Deputy Commissioner Investigations and Assets Recovery and has three Sections: the Corruption Prevention Section, Public Education Section and the Investigations Section.

The Investigations Section has continued working hand in hand with the Inter-Agency Task Team to achieve results. The Prevention and Education Section continued to conduct education exercises across sectors and prevention exercises.

2.1 CORRUPTION PREVENTION & PUBLIC EDUCATION

This section has three officers and there is a patent need for more officers under this Section.

The corruption prevention component mandates the Commission to take necessary measures to prevent all forms of corruption in the country, with particular emphasis in public and private bodies. In particular, S. 10(1)(a) of the Act gives the Commission the mandate to examine the practices and procedures of public and private bodies in order to facilitate the discovery of corrupt practices and secure the revision of their methods of work or procedures which, in the opinion of the Commissioner, may be prone or conducive to corrupt practices. The Commission is also mandated to advise public and private bodies on the ways and means of preventing corrupt practices, and on changes in the practices.

The Public Education component is mandated, in particular, by S.10(1)(a)(iii)(iv) of the Act to disseminate information on the evil and dangerous effects of corrupt practices on the society and to rally public support towards the fight against corruption in Swaziland. It is aimed at promoting better public understanding of corruption and encouraging society as a whole to take positive action against such practices.

The work of this Section is strongly intertwined to the perceived effectiveness of the Anti-Corruption Commission, particularly the Investigation Section. It has been observed, over the years, that the arrest and subsequent trial of high profile offenders has led to more invitations being extended to the Section by public and private institutions, to capacitate their staff members on what constitutes corruption and ways of combating it. This year has seen some studies being undertaken by the

Commonwealth Africa Anti-Corruption Centre (CAACC) in Botswana and Open Society Initiative of Southern Africa (OSISA) which were looking into the effectiveness of anti-corruption agencies in the SADC region.

Achievements for the Year

During the reporting period, the section was able to conduct lectures targeting, civil servants, farmers associations and federations, SWADE employees and stakeholders, private companies, members of the Royal Swaziland Police Service and members of the general public. The section also participated in the Parliamentary Public Accounts Committee sittings and many more multi-stakeholder conferences and workshops. The section was also represented during the Annual Swaziland international trade fair.

The following table presents the achievements for the year:

Activity	Sector	No. of people	Number of activities	Brief description
1. Radio shows	General members of society	Undefined	10 on SBIS and 4 radio shows on the Voice of the Church	The shows are conducted every Tuesday evening, at 10 PM. Informing and educating the public on current trends and typologies impacting the fight against corruption.
2. Lectures at SIMPA	Public servants	235	56 lectures were conducted	The Commission/section has a good working relationship with SIMPA.
3. Lectures at IDM	Private sector	40	6 lectures were conducted	The Section received an invitation to capacitate staff members of a private company who were being trained on leadership and governance at the cited institution.
4. Lectures at the ROYAL Swaziland Police Service	Law enforcement	60	2 lectures were conducted	The Section gave lectures to all members of the Fraud and Commercial Crime Section and Desk Officers within the Royal Swaziland Police who were assembled at the Matsapha Police College.
5. Municipal Council Siteki	Local government	9	1 lecture	The Section was invited to give a lecture to board members of the Municipal Council of Siteki during the period under review.
6. Psychiatri	Ministry of	16	1 lecture	The Section was invited to give

c Hospital	Health			a lecture to staff members of the health institution.
7. SWADE	Agriculture	300	8 lectures	The Section has given lectures to members of SWADE including affiliating Farmers Associations from Mhlume, Nkambeni, Tshaneni, Mafucula, Big Bend, Manzini and Sihhoye to name a few.
8. CTO	Transport	115	5 lectures	The Section conducted lectures targeting all government garages currently being managed by CTO in Mbabane, Matsapha, Siteki, Nhlangano and Piggs Peak.
9. Family Life Association of Swaziland	Youth	150	6 lectures	The Section partnered with FLAS to capacitate 150 youth members on governance, probity, transparency and accountability during the period under review.
10. University of Swaziland	Academia	45	1 lecture	Rendered a lecture at the University of Swaziland on Public Administration and Good Governance.
11. International trade fair	Members of the public	Undefined		The Section purchased exhibition space at the annual trade fair for the purposes of being more accessible to the members of the public.
12. Lecture at Dvudvusi	Community	20	2 lectures	A lecture conducted at Dvudvusi and Qomintaba area
Total	12 different sectors	990 people on face to face basis	88 lectures	

3.3 Meetings/Conferences

The Section held a series of meetings with private individuals who were seeking advice on various pertinent issues related to the subject of corruption in Swaziland. There were five meetings held with public institutions and they include the following:

- Ministry of Home Affairs, Immigration Section
- Commission of Human Rights and Public Administration
- Ministry of Justice and Constitutional Affairs

- Liberty Life, Swaziland
- Family Life Association of Swaziland
- SACRO Annual General Meeting

A United Nations Convention Against Corruption (**UNCAC**) workshop was conducted in preparation for another country review for the Kingdom of Swaziland. The following departments were represented; DPP, AG, Judiciary, SPPRA, CHRAPA, Public Service and RSP. The Section also conducted a capacity building exercise for enumerators involved in conducting the National Corruption Perception Survey.

3.4 Corruption Prevention and Risk Assessments

The Section conducted a corruption/fraud risk assessment with regards to the access and provision of the government tractor services and the observations were shared with the director for the Ministry of Agriculture.

A project of assessing the effectiveness of the processes and procedures related to the applications, processing and issuance of travel documents and passports in the Kingdom of Swaziland is ongoing. It has been observed that a number of people apply for passports but do not collect them once they are issued.

3.5 Distribution of Posters

A total number of 200 Posters bearing anti-corruption messaging were distributed to the following institutions for purposes of creating awareness about the dangers of corruption in Swaziland:

- a) King's office
- b) Police Headquarters in Mbabane and Manzini
- c) Siteki Town Council
- d) IDM
- e) SWADE
- f) Farmers Association
- g) Elections and Boundaries Commission
- h) Human Rights Commission

2.2 INVESTIGATIONS SECTION

This Section is tasked with the responsibility of receiving and investigating complaints of alleged or suspected corrupt practices that are made against any person (S.10(1) (b-f)). The aim is to enforce the law vigilantly and professionally in order to seek out and eradicate corruption wherever it exists.

After completion of investigations, the Commission refers appropriate cases to the Director of Public Prosecutions for prosecution. This is in terms of section 10(1)(b) of the Prevention of Corruption Act, 2006. However, some complaints of purely criminal nature are referred to the Royal Swaziland Police Service for their action; others are referred to relevant institutions for their appropriate action.

The Investigations Section investigates all pursuable reports. During the year under review, there were three Investigating Teams each headed by a Senior Investigator. The Commission also utilised the Inter-Agency Task team to maximise its efforts. The officers of the Director of Public Prosecutions continue to work very closely with the Commission's investigating teams. This adds value to on-going investigations and mitigates the length of investigations.

This section is tasked with the responsibility of receiving and investigating complaints of alleged or suspected corrupt practices in public and private bodies. It is also tasked with responsibility of investigating any alleged or suspected offences under the Prevention of Corruption Act, the Money Laundering and Financing of Terrorism Prevention Act, 2011 as amended, and any alleged or suspected contravention of any of the provisions of the fiscal and revenue laws of the country.

The section investigates all pursuable reports after getting authorisation from Commissioner. During the year under review, there were three Investigations Teams headed by A Senior Investigator. The Office of the Director of Public Prosecutions continued to work closely with the Commission's Investigations Teams. This adds value to on-going investigations and mitigates the length of investigations.

During the reporting year, a total of 272 reports were received by the Commission compared to 533 in the previous year, reflecting a significant increase of over half in the complaints received. A total of 40 complaints were authorised for investigations. A total of 72 were referred to other agencies. Two (2) cases were referred to the Director of Public Prosecution's office. The number of dockets pending in the court

system stand at 39. Two cases were completed in court and the Commission received 1 acquittal and 1 conviction.

2.3.1. Procedure for handling allegations of corruption

Report Centre

All complaints reported to the Commission are channelled to the Report Centre Office. Such complaints are likely to be received by any of the following methods:

- By personal call at the office of the Commission (in which case the caller might or might not wish to identify himself/herself)
- By telephone, (in which case the caller might or might not identify himself/herself) 2404 3179
- By letter, (in which case the writer might or might not identify himself/herself) P. O. Box 4842 Mbabane.
- By telex, fax or electronic mail (in which case the writer might or might not identify himself/herself) 2404 0758
- Or from information from an officer of the Commission.
- Through the Commission's hotline 8003500

The summary of the complaint will be factual and concise but sufficiently detailed to enable the Complaints Review Committee (CRC) to make a rational recommendation to the Commissioner. The complaint will be scrutinized by the Senior Report Centre Officer, and if he\she decides that the complaint is clearly not one of corruption and it is outside the Commission's mandate, he\she immediately advises the complainant accordingly. The Report Centre Officer will proceed to register the complaint and then send the report to the Complaints Review Committee.

Vetting Process for Public Entities

The Commission continues to be entrusted with a responsibility by Government to conduct vetting for public bodies. The Commission received several requests from Ministries for vetting of candidates nominated into public Boards. Vetting was then conducted and Ministries advised accordingly.

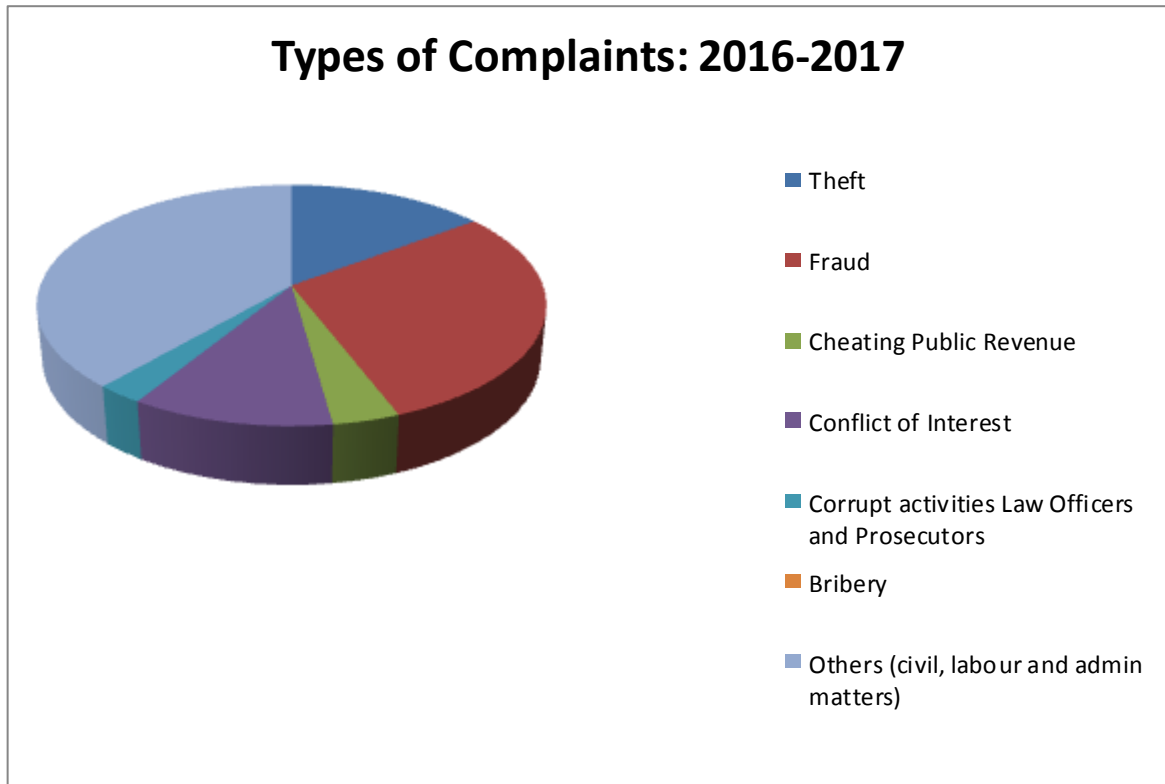
Complaints Review Committee

The Complaints Review Committee examines all the complaints referred to it to ascertain whether the Commission has the mandate, in terms of the law, seriousness of the complaint, and financial implications of the complaint. After taking into account all factors the Committee advises the Commissioner, whether or not the

Commission should investigate the complaint or refer it to relevant bodies such as the Police. The Commissioner then gives the necessary direction.

The present Commission commenced operations in March 2008. Hereunder is a breakdown of complaints that have been reported to the Commission:

Year	Complaints reported
2008/2009	51
2009/2010	201
2010/2011	249
2011/2012	103
2012/2013	78
2013/2014	103
2014/2015	210
2015/2016	533
2016/2017	272
Total	1810



The pie chart depicts cases reported to the Commission in the year under review. A total of 272 cases were reported.

Breakdown of Complaints

Theft=40

Fraud=80

Cheating of Public Revenue=10

Conflict of Interest=30

Corrupt Activities Relating To Law Officers and Public Prosecutors=7

CHAPTER THREE

3.0 ADMINISTRATION DEPARTMENT

The Administration Department is headed by the Deputy Commissioner, Administration. It renders support services to the core functions of the Commission. In general the Administration Department is responsible for effective management of day to day operations of the Commission including Finance, Information Technology, Human Resources, Staff Welfare, and Performance Reviews among others. The Section further assists in establishing and managing strategic and operational organizational goals ensuring successful administration and attainment of the organizational objectives and influencing performance of the overall Commission.

In discharging its functions, the Commission operates as an independent and autonomous institution. This is provided for under Section 4(4) of the Prevention of Corruption Act. Under Section 8 of the Act the Commission is mandated to appoint such investigating officers and other officers to assist the Commission in the performance of its functions. However in administrative, financial, Human Resources and supply matters the Commission still operates as a Government Department under existing Government Regulations.

The Administration Department is therefore responsible for ensuring that Government Regulations and Rules are followed. There are four sections within the Administration department and they are as follows:

3.1 GENERAL ADMINISTRATION

The General Administration Section for the Anti Corruption Commission, in line with its standing mandate and within the Government's general guidelines, internal guidelines, procedures and controls, fostered to provide efficient and effective support services for the Commission's core operational activities. It also ensures maintenance and safety of the Commission's assets within the available resources.

Standing support services were provided as follows:

- Transport management
- Procurement
- Budgeting
- General office administration which includes; maintenance of office premises, secretarial, registry, messenger, reception, security, travel arrangements, facilitation for Executive Meetings.

3.2 HUMAN RESOURCES

The Commission's Human Resources Section is responsible for the acquisition, development and retention of the Commission's staff. In particular the Section facilitates:

- Recruitment and selection and training of members of staff.
- Development of a people strategy that will help the Commission secure, motivate and effectively manage its workforce.
- Focus on the structure of staff development programs.
- Create conducive work environment such as employee welfare and managing issues of satisfactory performance, misconduct and grievances and labour relations matters in an expeditious and fair manner and at the same time promulgating integrity at all times.

Staff Complement

During the year under review, the following recruitment took place :- an Accountant was recruited to fill the post as it remained vacant after the incumbent was promoted to the post of Investigator in the Prevention and Education Section. One more officer has been employed to fill a vacant position in the Accounts Section which became vacant after the incumbent has been promoted to the post of Investigator. One Night Watchman has been promoted to fill the vacant post of Light duty Driver. Therefore, the staff compliment of the Commission now remains at 42 employees and there are 7 vacant positions.

Training and Development

Corruption is dynamic in nature and therefore, strategies, statutes and practices relating to corruption issues change. It is the policy of the Commission to ensure that it is kept abreast with all necessary changes in dealing with corruption in the corruption arena through the training and development of its staff. The formulation of the multi-disciplinary approach which is applied by the Commission has created a greater need for intensive staff development. Intensive staff development will help address gaps that may have arisen from the implementation of the multi-disciplinary approach in relation to the dynamic nature of corruption.

Also, it is the policy of the Commission to expose as many staff members as possible in their areas of expertise to gain experience on combating corruption through training as well as exposure by participation in relevant programmes and related statutes as well as attachments and secondments.

Therefore, the Commission seeks to build the requisite capacity within its people to ensure that the ACC’s key strategic objectives and business goals are achieved.

Industrial Relations

The labour relations of the Commission remained stable in the year under review. All matters relating to grievances were resolved amicably within the Commission or with the assistance of other Government Departments.

3.3. INFORMATION TECHNOLOGY

ICT desktop activities were undertaken amid the ICT infrastructure challenges. However, a robust Information Communication Technology (ICT) infrastructure needs to be put in place to aid in gathering, analysing, storing data as well as hosting the ACC website.

3.4 FINANCE

Total budget released during the year amounted to **E20, 976 928** against an approved total of **E31 732 414**. This gives a negative variance **E10, 755 486** (under released).

The period under review has continued to be challenging as in the previous financial year due to the minimal budget allocated to the Commission.

Total annual budget approved and quarterly releases were as follows:

Item	Annual Budget (E)	Q1 Budget Release (E)	Q2 Budget Release (E)	Q3 Budget Release (E)	Q4 Budget Release (E)	Total budget Release (E)	Variance (E)
Budget ceiling allocated	31, 732,414	6, 042, 240	6, 042, 240	8, 286 031	606,417	20, 976,928	-10, 755, 486
CTA Charges	1,095,195	182,532	182,532	432, 532	150. 000	947, 569	-147, 599
Personnel costs	9, 179, 863	2, 294, 964	2, 294, 964	4, 589, 932	1, 762, 952	10, 942, 812	1, 762, 949
Operational budget	21,457,356	3,564,744	3, 564, 744	3,263, 567	1, 306, 535	9, 086 520	-12, 372 836

CHAPTER FOUR

4.0 CHALLENGES/RECOMMENDATIONS

Human resource

Recruitment of staff is also compromised by the remuneration structure which is not attractive to candidates who have the requisite experience and qualifications. The Commission continues to be thin on the ground. Currently the Commission has 16 Investigators and 3 Prevention and Education Officers. The Commission has finalised the organisational design and will fill the existing vacant posts.

Legal Framework

The ACC is established by an Act of Parliament. Following recommendations on the implementation of the United Nations Convention Against Corruption by Swaziland, the ACC recognises the need to review and update the legal framework in which it operates, especially the Prevention of Corruption Act, 2006 and the enactment of a Whistleblower and Witness Protection legislation.

The ratification of regional and continental Legal Instruments that were signed by the Government still remain a priority for strengthening the legal framework and enabling cooperation with other countries when carrying out investigations. These instruments are the African Union (AU) Convention on Preventing and Combating Corruption and the SADC Protocol against Corruption.

Institutional Capacity

The ACC needs to continuously build the capacity of the institution since the nature of corruption is dynamic.

Capacity building in relation to training and development continues to be a challenge for the Commission. Sourcing corruption related training and development programmes is not an easy task as most programmes offered are external and costly. As a result training and development of staff becomes compromised in the sense that small scale training is then undertaken due to the costs of external training and travel while on the other hand local training which is more desirable removes the practical aspect of the learning experience.

Staff Accommodation

The Commission is still facing a major challenge with regard to accommodating its staff. Currently the Commission relies on the Civil Service Housing Department in securing accommodation for its staff. This has proven to be a challenge in that the Commission's staff has to be subjected to a very long standing waiting list of civil servants needing houses, posing a threat to ACC officers considering the nature and sensitivity of the work they do. There is need to prioritise accommodation for ACC staff.

5.0 CONCLUSION

The Commission continued to forge ahead in implementing the 2014-2018 Strategic Plan. The Commission continued to build partnerships and networks nationally, regionally and continentally. The multi-sector approach remains a priority for the ACC and the country.

