

**CORRUPTION**  
Your **NO** counts



# ANNUAL REPORT

**April 2013 - March 2014**

**"Let Us Unite Against Corruption"**

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## **COMMISSIONER'S STATEMENT**

It is a pleasure to submit the 2013-2014 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).

Corruption continues to be a quandary in the country. Nationally, the levels of corruption are perceived to be high according to the 2010 National Corruption Perception Survey, where 94% Swazis perceive corruption to be a problem in the country. Internationally, Swaziland is ranked 82 out of 177 countries by Transparency International. These ratings are an indication that Swaziland has to work hard at strengthening anti corruption mechanisms in order to witness a paradigm shift in fighting corruption.

Noteworthy, the country has shown commitment in 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 Emalangenzi thereby undermining economic development. In response, His Majesty's Government has prioritised the fight against corruption in the 2013-2018 Government Programme of Action. The Commission has a major role to play in complementing Government's efforts in this regard.

### **Strategic direction of the Commission**

A new five-year Strategic Plan 2014-2018 has been developed. The plan addresses five key thematic areas: Resourcing, Governance, Delivery, Legislation and Partnerships. Emphasis is on institutional capacity building, establishing and developing internal processes and procedures, establishing performance management mechanisms that will ensure timely delivery of results while advocating for a rigorous policy and legislative environment as well as facilitating the establishment of partnerships and networks. There is also a vital need for on-going research in order to understand the operational environment and thereby craft evidence based programmes.

### **Operational Performance**

In the financial year 2013-2014, financial and human resources were a challenge as the Commission tried to forge ahead with implementing its mandate. It was evident that institutional capacity building has to be prioritised and major changes made institutionally in order to maximise results. The development of the Strategic Plan took precedence as it sought to map the direction of the Commission going forward, hence recruitment and filling of vacant posts had to be put on hold in order to be informed by the strategic direction. A stand-alone building has been requested from

Government to address the security issues currently faced by the Commission and the request has been approved.

The complex nature of corruption demands that the institution is always abreast in order to counteract the corruption networks that exist in the country and those transcending borders. Most reported corruption complaints have to do with cheating public revenue, conflict of interest and bribery.

Working in collaboration with various partners, the Commission was able to conclude investigations of high profile cases; conduct prevention exercises within the public sector and undertake a substantial number of educational exercises across all sectors of society.

## **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 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, especially the support to develop the Strategic Plan 2014-2018.

Finally, I would also like to thank all members of staff of the Commission, for working tirelessly to fulfil the Commission's mandate amid trying circumstances.

**Thanda Aubrey Mngwengwe**  
**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 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, a new Commissioner was appointed for a period of five years. He is former Head of Special Operations in the now defunct South African Scorpions and at the time of appointment, he was working for the National Prosecuting Authority in South Africa.

## 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

To be a unique and valued Anti Corruption Agency that will eradicate all forms of corruption in the Kingdom of Swaziland.

### Mission Statement

To prevent, educate and combat corruption through investigation, implementing the legal framework, promoting institutional transformation, creating public awareness and a culture of zero tolerance towards all forms of corruption.

### 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.**

### Motto

Let us Unite Against Corruption

## 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 Deputy Commissioner Investigations and Assets Recovery and has three Sections: the Corruption Prevention Section, Public Education Section and the Investigations Section.

In some respects, the Operations Department accomplished significant results during the period under review despite the serious financial crisis that hindered progress in all facets of the Commission's three-pronged mandate.

### **2.1 CORRUPTION PREVENTION**

The corruption prevention component tasks 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.

Currently, this section is staffed with one officer who has conducted one sectoral corruption risk assessment in one Ministry in collaboration with UNDP. Another risk assessment was initiated in one Government Department.

The Commission's new five-year Strategic Plan outlines a need to strengthen partnerships. There is a dire need to partner with other Government Departments, like the Internal Audit, who share the same prevention mandate with the Commission. This will assist in maximising efforts as the Commission is evidently thin on the ground thus making it impossible to attain meaningful results.



## 2.2 PUBLIC EDUCATION

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 for 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 section has conducted numerous Anti-Corruption awareness meetings. Beneficiaries to the awareness programme include the following;

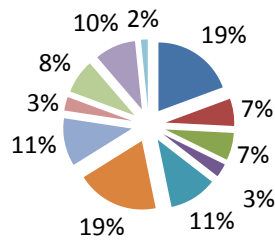
- The Royal Swaziland Police Service
- Techno-Serve
- The SIMPA
- Various Municipal Councils within the Kingdom of Swaziland
- Ministry of Education and Training
- Lutsango LwakaNgwane
- FESBEC
- The Ministry of Tinkhundla and Development

The section has been able to conduct 62 interactive educational sessions in the past year. The table below presents the list of lectures conducted in the previous financial year.

<b>NAME OF INSTITUTION</b>	<b>NUMBER OF ACTIVITIES</b>
THE ROYAL SWAZILAND POLICE SERVICE (IN-SERVICE TRAINING PROGRAM)	12
THE MINISTRY OF TINKHUNDLA	4
MUNICIPAL COUNCILS	4
TECHNO-SERVE	2
LUTSANGO LWAKANGWANE	7
SIMPA	12
SWAZILAND INTERNATIONAL TRADE FAIR	7
FESBEC	2
MINISTRY OF EDUCATION (PROGRAM FOR SCHOOL'S PRINCIPALS HHOHHO REGION)	5
Setsembiso Sebunye High School	6
RURAL COMMUNITY (DVUDVUSINI)	1

## NUMBER OF ACTIVITIES

- THE ROYAL SWAZILAND POLICE SERVICE (IN-SERVICE TRAINING PROGRAM)
- THE MINISTRY OF TINKHUNDLA
- MUNICIPAL COUNCILS
- TECHNO-SERVE
- LUTSANGO LWAKANGWANE
- SIMPA
- SWAZILAND INTERNATIONAL TRADE FAIR



### 2.2.1 Completion of the Royal Swaziland Police Anti-Corruption Training Module

During the period under review, the section was able to inspire the completion of the much anticipated anti-corruption training module for the Royal Swaziland Police Service. The completion of the module marked a new era for the fight against corruption within the Royal Swaziland Police Service. The Commissioner of Police is commended for fully supporting this process. The Commission hopes to reach out to other law enforcement agencies in the country.

### 2.2.2 Inclusion of anti-corruption issues in the school's curriculum

According to the government program of action for 2008-2013, anti-corruption and ethics education should be included in the school's curriculum. This section sought the assistance of the National Curriculum Centre for the purpose of mainstreaming anti-corruption issues in the school's curriculum. A major milestone was achieved with regards to inclusion in religious education books for primary schools and an English language book for secondary schools.

### **2.2.3 Coordination of the training function and UNCAC**

The section was also responsible for the coordination of training offered under the auspices of the Commonwealth for Africa Anti-Corruption Centre (**CAACC**). This presents an opportunity for the ACC to equip its officers with the latest trends and typologies relating to the field of anti-corruption. The centre continues to invite the Kingdom of Swaziland to participate in specialised courses in investigations and prosecutions, management of the anti-corruption program, public education and prevention.

The Commission also coordinated the implementation of the United Nations against Corruption in Swaziland. The exercise was conducted through a task team that comprised of officers drawn from the Ministry of Justice and Constitutional Affairs, civil society and the private sector. Training for the aforementioned officials was facilitated by two international experts on the UNCAC implementation mechanism.

### **2.2.4 Multi-media**

Multimedia was used minimally in disseminating information and activities include the following:

- Featured on Swazi Television breakfast shows
- Featured on breakfast shows on SBIS radio

### **2.2.5 Logo Development**

A new logo depicting the Commission's new corporate image was developed.



## 2.3 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.

The Investigations Section investigates all pursuable reports. During the year under review, there were three Investigating Teams each headed by a Senior Investigator.

During the year under review, a total of 103 complaints were received by the ACC, 52 were authorised for investigations. 18 were not authorised for investigations in terms of Section 10(2) of the Prevention of Corruption Act of 2006. Nine (9) cases were investigated and referred to the Director of Public Prosecution's office. The Number of dockets pending in court stand at 22. See table below:

Complaints received	Authorised for investigations	Not authorised	Referred to other agencies	Files taken to DPP	Files pending in court	Convictions
103	52	18	1	9	22	1

During the year under review a total of 103 reports were received by the Commission compared to 78 in the previous year, reflecting an increase in the complaints received.

The workload of the investigations teams remains high, both in terms of numbers and complexity of cases. The current complement of the investigation team stands at 10. It consists of two vacant posts of Chief Anti Corruption Officers and three vacant positions for Senior Investigators. There are currently three Senior Investigators and three vacancies that require to be filled. There are five Investigating Officers and two vacant positions. There are two Assistant Investigators; one is currently serving articles with the Attorney General's Office for a year. Filling of vacant posts especially in the investigations section will be a priority in the next financial year.

The officers of the Director of Public Prosecutions work very closely with the Commission's investigating teams. The Anti Corruption Prosecution Unit has been re-established within the Directorate of Public Prosecutions.

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 Commission's new Strategic Plan 2014-2018 seeks to transform the Investigations Section by establishing new investigative and support units such as:

- Assets Recovery Unit
- Specialised Investigations Unit
- Enterprise Management Unit
- Crime Analysis Unit
- Crime Information Collection Unit
- Operational Support Unit
- Project Management Unit
- Preliminary Investigations Unit

These units will improve the Investigations Section towards speedy investigation of cases, lifestyle audits and recovery of illicit assets.

### **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 that is outside the Commission's mandate, he\she immediately advises the complainant accordingly. The Report Centre Officer will then send the report to the Complaints Review Committee.

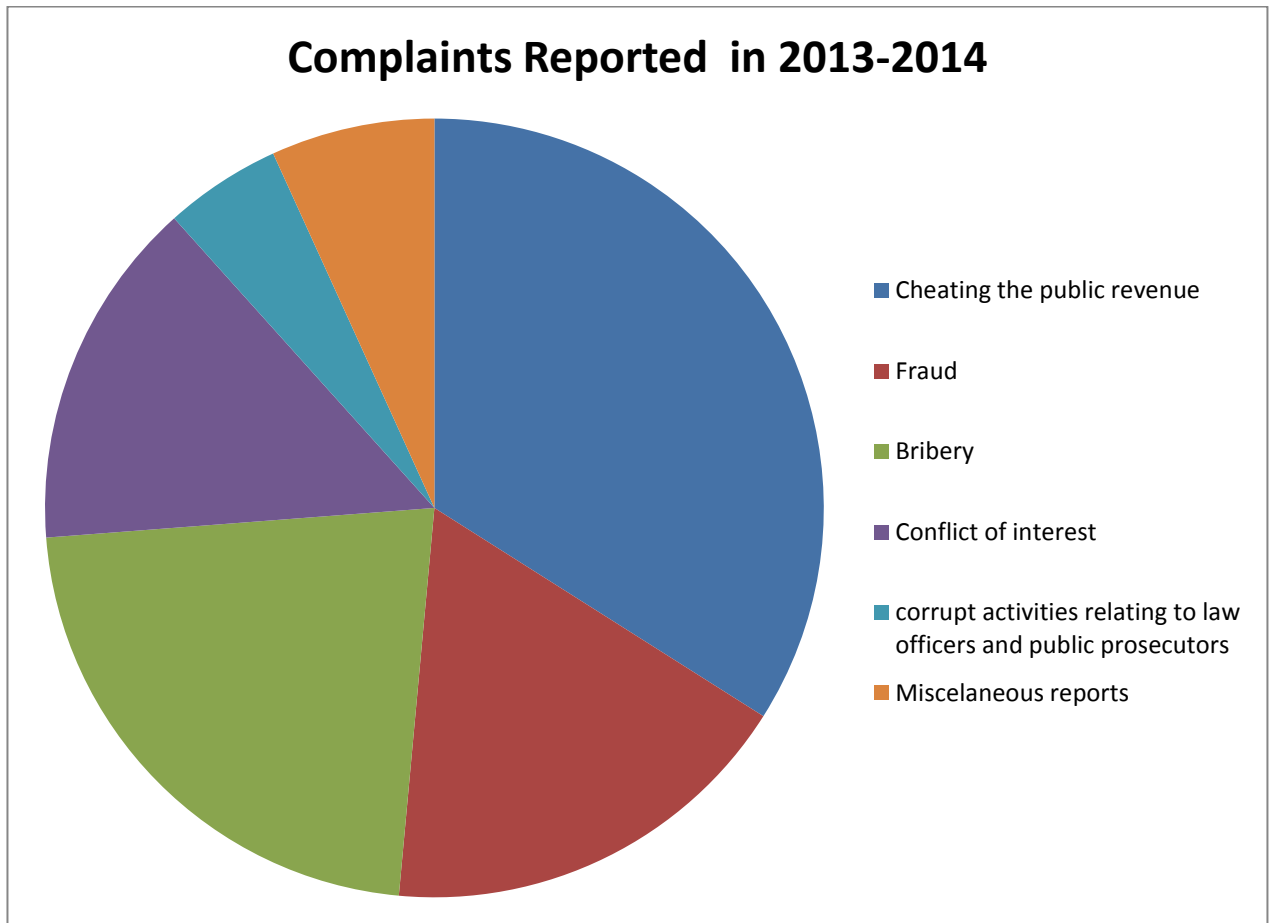
### **Complaints Review Committee**

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 Deputy Commissioner, Operations, 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:

<b>Year</b>	<b>Complaints reported</b>
2008/2009	51
2009/2010	201
2010/2011	249
2011/2012	103
2012/2013	78
2013/2014	103
<b>Total</b>	<b>785</b>

## Complaints Reported in 2013-2014



The pie chart depicts cases reported to the Commission in the year under review. A total of 103 cases were reported. As can be seen from these figures, the volume of complaints received by the Commission ranges from cheating public revenue, fraud, bribery and conflict of interest.

## **CHAPTER THREE**

### **3.0 ADMINISTRATION DEPARTMENT**

The Administration Department is headed by the Deputy Commissioner, Administration. Currently the position is vacant and the Judicial Services Commission has undertaken to fill the position in the 2014/2015 financial year. 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.

This department is responsible for a wide range of general administrative support services including; maintenance of office premises and assets, secretarial, registry, messenger, reception, security, transport, travel arrangement services as well as facilitating executive meetings.



The Section in collaboration with the Accounts and Public Relations Sections prepared the Commission's Annual Budget Estimates 2015/2015 – 2015/2017 which capture the new strategic direction. The total budget estimates requested for the financial period 2014/2015 were E30, 213, 828 recurrent and the budget was approved at E11, 370 308.

### **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.

During the period under review, The Senior Human Resources was on a one year full time study while 1 Assistant Investigator returned from long term study, 1 Investigator was suspended for absenteeism. The Commission's staff complement at the end of the year stood at thirty-five (35) with 14 vacant positions.

During the year under review the Commission requested for nine (9) additional posts from the Ministry of Public Service. The following posts were approved:

<b>2 Senior Investigators</b>	<b>D5</b>
<b>2 Investigators</b>	<b>D5</b>
<b>2 Crime Analysts</b>	<b>D5</b>
<b>1 Legal Advisor</b>	<b>1</b>
<b>2 Data Capturers</b>	<b>2</b>

After the finalisation of the Strategic Plan, new units will be established and vacant posts filled.

## **Training**

The nature of corruption is dynamic and therefore, strategies, statutes and practices relating to corruption issues also 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. Also, with the advent of the Multidisciplinary Approach (MDA) now being applied by the Commission, a greater need for intensive staff development has been created to address gaps that may have arisen from the implementation of the new MDA in relation to the dynamic nature of corruption

As the Commission was in transition and a new strategic direction mapped for 2014-2018, the Commission posed and planned on where it needs to put emphasis on training, hence there were less trainings undertaken by staff during the year under review.

## **Industrial Relations**

The labour relations of the Commission remained stable in the year under review.

## **3.3. INFORMATION TECHNOLOGY**

Corruption is an ever changing crime that needs up to date information technology systems. The new strategic direction of the Commission calls for the development of a robust Information Communication Technology (ICT) infrastructure to aid in gathering, analysing, storing data as well as hosting the ACC website.

Currently, this section is without an ICT Manager and as such, the procurement of a case management system has been put on hold while the Commission's website remains static. An ICT Manager will be engaged in the next financial year to ensure the building of an ICT infrastructure.

## **3.4 ACCOUNTS**

The period under review has continued to be challenging as in the previous financial year due to the minimal budget allocated to the Commission. The total annual budget requested by the Commission was reduced to E12 410 348 while the approved budget stood at E11, 370 308. This has resulted in the slow movement in terms of investigations, public education and corruption prevention exercise and most of these activities could not be carried out successfully due to the fact that of the approved E11, 370 308 annual budget only E7, 494, 864 was released.

### 3.4.1 Budget Allocation

The total released budget for 2013/2014 financial year was only E7,494,864, while the total spent and committed is E8,452,810 with the total variance of -E957,946 which is -12.78%

Re-allocations of E100 000 was made from item 07 to item 02, item 04 to item 02, item 06 to item 04 respectively.

Below is the table showing the total approved budget, the actual released, the actual expenditure and the variance reflected against each reporting item:

Activity	Estimated (E)	Released	Actual (E)	Variance (E)	Variance in %
002	657,111	657,111	1,538,193	-887,082	-134.08
01	7,023,871	5,108,039	5,360,795	-252,756	-5
02	583,864	953,863	818,496	135,367	14.19
04	843,223	641,056	619,985	21,071	3.28
06	195,457	134,795	115,341	19,454	14.43
07	100,000	0	0	0	0
<b>Total</b>	<b>11,370,308</b>	<b>7,494,864</b>	<b>8,452,810</b>	<b>-957,946</b>	<b>-12.78</b>

#### **Item 002**

Under CTA charges, the total annual released budget is E657 111 and the total that has been spent was E1 538 193 while the negative variance is -E887 082 which is -134.08 percent. The over-expenditure was due to the limited budget allocation for CTA charges. This has been incurred to cater for the payment of fuel, maintenance and hire charges.

#### **Item 01**

The Ministry of Finance could not release the total approved annual budget of E7 023 871 for this financial year but only released E5 108 039 such that an over expenditure occurred. The total spent for the payment of staff salaries and allowances was E5 360 795.

#### **Item 02**

The total annual approved budget under item 02 for communication and travel was E583 864 and a re-allocation of E370 000 from item 07 and item 04 to cater for

external travel and communication was made. The total amount spent was then E818 496, leaving a variance of E135 367 that was supposed to have paid for telephone bills that unfortunately remitted after the close of the financial year hence the re-allocated funds could eventually be utilised. This item caters for communication and internal and external travel and telephone bills.

#### **Item 04**

Under the professional services, the total annual approved budget was E843 223 and the total released budget was E641 056 while the total spent and committed was E619 985 leaving the variance of 3.28%.

This item caters for professional services, printing, security services, training, promotional and advertising and utilities.

#### **Item 06**

The total annual released budget under the consumables and supplies was E195 457 while E134 795 was released. The total spent was E115 341, leaving a variance of 19 454 which is 14.43%.

This item caters for consumable materials and supplies.

#### **Item 07**

No durable item has been procured so far under this item.

#### **Capital Projects**

The Commission did not request for allocation for capital projects during the year.

## **CHAPTER FOUR**

### **4.0 CHALLENGES**

#### **Criminal networks operating in Swaziland**

The Commission and other law enforcement agencies are faced with the challenge of cartels that have formed networks internally and externally. Millions of Emalangeni in illicit assets is invested outside the country. The Commission and other law enforcement agencies need to be ahead of the networks in order to quash them and return the illicit assets to the country for the benefit of the economy. Training of Investigators is a priority and this requires substantial resources which are scarce at the moment.

#### **Budget Constraints**

The estimated operational budget of E11, million per annum including personnel costs translates to limitations in operational activities. Almost 6 million Emalangeni is absorbed by salaries and the rest by administration and operations. The cost of salaries will grow as vacant posts will be filled during the upcoming financial year. This limits the operational results of the Commission.

#### **Labour Turnover**

The Commission faces a challenge of high labour turnover. Evidently the Commission is thin on the ground. Currently the Commission has 8 Investigators and 2 Assistant Investigators. The Commission has 14 vacant posts most of which have not been filled pending the finalisation of the Strategic Plan 2014-2018. The Commission has to also fill 9 more new positions in order to move towards attainment of the Strategic Plan targets.

#### **Legal Framework**

The Constitution of the Kingdom of Swaziland Act, 2005 does not have a specific provision on the Anti Corruption Commission, which is a creature of an Act of Parliament, but has a provision for the establishment of a Human Rights and Public Administration Commission which is given the powers to investigate corruption. This anomaly may create operational challenges for the ACC.

Since the ACC is established by an Act of Parliament, it is in its interest that its existence is backed by an effective living legislation with constant amendments and reforms to cater for dynamic circumstances in which the Commission undertakes its work. The ACC, therefore, 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 Legal Instruments that were signed by the Government is 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. The United Nations Convention Against Corruption (UNCAC) was ratified in 2012.

### **Policy Framework**

There is a need to finalise the National Anti Corruption Policy for Swaziland which will provide a framework for developing ways and means of preventing and combating corruption in a comprehensive, coordinated, inclusive and sustainable manner. The policy framework outlines a course of action that will provide for acceptable legal, institutional and social interventions in the fight against corruption. It highlights the role of all stakeholders in the fight against corruption while complementing the work of the Commission.

### **Institutional Capacity**

In the quest to deliver results, the ACC must grow and strengthen its capacity to deliver continuously on its mandate. To achieve this, the ACC must ensure it is staffed by highly competent professionals, has appropriate and adequate physical facilities, state of the art information and communication technology and an organisational structure with management and administrative processes which are responsive to its mandate. The nature of corruption is such that it is dynamic and therefore strategies, statutes and practices relating to corruption issues also 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.

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. Recruitment of staff is also compromised by the remuneration structure which is not attractive to candidates who have the requisite experience and qualifications.

## **Office Accommodation and security**

The Commission's Offices are currently housed at Mbandzeni House on the first and third floors respectively. Security measures in the present offices remains a challenge as the Commission is housed on different floors: first and third floors, posing a serious security threat. The Commission has since requested a stand-alone building from Government and the request has been granted. The process is on-going for the relocation of the Ministry of Tinkhundla from the Industrial site offices to be occupied by the Commission.

Decentralisation of ACC offices is vital to make the Commission more accessible to the public it serves as this is in line with the new Strategic Plan which seeks to bring services closer to the people.

## **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**

Despite the financial and human resource challenges, the Commission forged ahead and produced minimal results. The Strategic Plan 2014-2018, if implemented successfully, will change the face of corruption in the country.