



# Towards Better Combating of Corruption in Africa

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As Africa, through its continental organisation, the African Union (AU), is preparing to mark the 18th anniversary of adopting the African Union Convention on Preventing and Combating Corruption on 11 July 2003 in Maputo, Mozambique, it may deem wise not to make an appraisal of the current situation; rather, we should reconsider the implementation of the said convention and wonder whether this battle is achieving any progress.



Child abuse in gold mining

**A convention seeking international ratification after eighteen years.**

Cameroon, upon depositing the instrument of ratification of the Convention on 6 June 2021, became the forty-fifth state party to the African Union Convention on Preventing and Combating Corruption. Although 10 States have not yet acceded to the convention, there are approximately 49 African countries parties to the UN Convention against Corruption adopted on 31 October, 2003. It is worth noting that neither convention has been ratified by Somalia and Eritrea.

African countries, however, recognizing the dire consequences of corruption on development, declared 2018 the Anti-Corruption Year in the Continent promoted under the theme: "Winning the Fight against Corruption: A Sustainable Path to

Africa's Transformation" and committed themselves to combating this scourge, which has destroyed the economy of most African countries, significantly affecting the ability of leaders to meet their obligations towards their peoples and the credibility of institutions, organizations and governments. If Africa does not find a permanent solution to this problem, it will not be able to fulfil the basic aspirations of achieving the Sustainable Development Goals (SDGs) and the 2063 African Union agenda.

Although not all States of the continent are parties to the Convention, the truth of the matter is that the vast majority have national structures responsible for issues of preventing and combating corruption. This allows for cooperation with the body responsible for monitoring the implementation of the Convention, namely the African Union Advisory Board on Corruption (AUABC). It is, therefore, the existence of these

1- MA in International Human Rights Law (Catholic University of Lyon) and MA in Private Public Law (University of Lyon 2)

2- Until June 6, 2021 the following countries have not deposited their instrument of ratification with the Office of the Legal Advisor of the African Union: Eswatini, Cape Verde, Central African Republic, Djibouti, Eritrea, Morocco, Mauritania, Somalia, South Sudan.

3- See the status of ratification at:

[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq\\_no=XVIII-14&chapter=18&clang=\\_fr](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=XVIII-14&chapter=18&clang=_fr)



structures at the national level that allows the Continental Body to implement and monitor the developments in States Parties as far as possible, and to organize the annual Anti-Corruption Dialogue at the African level, which is a genuine forum for dialogue and exchange among these structures and all stakeholders working in the governance sector in general and those involved in combating corruption in particular. The dialogue has truly become an annual activity of the Board, yet it must already set out to become a platform for all stakeholders, including the African civil society, to discuss the challenges it faces in preventing and combating corruption.

#### **A battle that requires general mobilization**

Corruption is certainly the scourge that is destroying the economic, social and political fabric of African countries, with deleterious consequences, as it impedes the development of our countries. It is a direct result of insecurity and the spread of terrorism in our countries, and the investment in eradicating it remains a model of justice that must be sustained. In order to achieve this goal, it seems an utmost priority to mobilize everyone to meet the challenges of combating corruption, which requires the following:

Reaffirming the need for a genuine political commitment to better combat corruption in Africa.

Mobilizing all resources and synergies to wage a large campaign against corruption, as stipulated in the declaration (Assembly / AU / Decl, 1 (XXXI)) issued by the African Union Conference of Heads of States and Governments on the African Anti-Corruption Year (2018).

Paying more attention to combating corruption in the domains of human rights and development, which particularly requires focusing on reorienting our culture and reshaping our attitude towards corrupt practices, and all stakeholders must adopt joint measures to prevent and raise awareness on the negative effects of corruption on human rights.

Engaging youth in the battle against corruption through civic education training institutions focusing on the interest achieved by protecting the public interest and emphasizing the values of honesty, through primary school, and good governance, transparency and accountability, through tertiary education.

Further enhancing the institutional foundations and linkages between the relevant and competent bodies dealing with these issues, and since the challenges in this regard are comprehensive, so should the solutions be.

Ensuring the independence of the national anti-corruption structures and providing them with the necessary means to carry out their responsibilities.

Encouraging the civil society, particularly the media, to denounce corruption and raise awareness of its harm, as well as to educate the public about the devastating effects of corruption.

#### **Involving clergymen in educating the public.**

Devising stronger measures to ensure penalties against corruption practices, where the amended Protocol to the Statute of the African Court of Justice and Human Rights (Malabo Protocol 2014) proposes giving the Court jurisdictions over economic corruption offences (Article 281), money laundering (article 281 bis) and illegal exploitation of natural resources (Article 29 I bis), and focuses in particular on joint criminal liability (Article 46c). A broad advocacy is required to ratify this instrument.

Referring to the Decision (Assembly/AU/Dec, 774 (XXXIII))



Several courses held by the Egyptian Anti-Corruption Academy for Africans in order to promote ways of combating corruption

**The African countries, declaring 2018 the Anti-Corruption Year on the Continent adopting the theme: "Winning the Fight against Corruption: A Sustainable Path to Africa's Transformation", committed themselves to combating this scourge that has destroyed the economies of most African countries and has a tremendous negative effects on the ability of the leaders to fulfill their commitments towards their peoples.**



of the Conference of Heads of States and Governments on the Common African Position on Asset Recovery (CAPAR) (2020), it would be wise for all African countries to circulate, adopt and implement it. The permanent cooperation between countries in combating corruption would deter the perpetrators of this detrimental act to the economy and justice, and above all, to the development of these countries.

By the same token, combating corruption cannot be the prerogative of governments alone. Concerted and joint action is crucial to join forces, combine energies and integrate strategies as combating this evil would help restore the rule of law and justice, and would put an end to the evil and to all human rights violations that have been observed here and there.

As current generations of all walks of life - young and old, women and men, girls and boys - we must unite in realizing that the fate of our continent lies in our hands and that we must work together now to create the future we desire - an Africa where good governance, democracy, respect for human rights, justice and the rule of law are made a priority. Africa that directs its development towards the peoples, depends on the potentials of women and youth in particular, and cares about the welfare of children. Africa that is committed to and empowers youth. It seems necessary and vital more than ever to adopt this model of justice as long as combating corruption remains a "A Sustainable Path to Africa's Transformation."

4- Article 22.1 of the Convention provides for the establishment of an oversight board whose powers are defined by Article 22.5

5- Aspiration items 3 and 6 of the 2063 Agenda

6- The theme of 2018 announced by the Conference of Heads of State and Government of the African Union was : "Eradicating Corruption: A Viable Option for Transformation in Africa".