

## To the African Union on the Fifth African Anti-Corruption Day

11 July 2021

To African Union leaders,

On the occasion of this fifth African Anti-corruption Day, the 28 Chapters of Transparency International across all Africa's Regional Economic Communities in Central, East, North, Southern and West Africa take the opportunity again to;

1. **Applaud** the African Union (AU) for earmarking 11 July as African Anti-Corruption Day and **welcome** this year's theme: "**Regional Economic Communities: Critical Actors in Implementing the African Union Convention on Preventing and Combatting Corruption.**"
2. **Commend** the 44 Member States of the African Union that have ratified the African Union Convention on Preventing and Combatting Corruption and **implore** the remaining 11 Member States to take measures to ratify this important Convention.
3. **Further commend** the 34 Member States of the African Union that have ratified the African Charter on Democracy, Elections and Governance, and **implore** the remaining 21 Member States to take swift measures to ratify this important African Treaty.
4. **Recognise** that by ratifying these treaties, African countries reinforce their commitment to democracy, human rights, and the rule of law, as well as to the underlying values of transparency, integrity, participation, and accountability.
5. **Note** with great concern that corruption is and remains a significant threat and hindrance to African States, particularly in establishing democratic institutions and attaining sustainable development goals.
6. **Further note** that the impact of corruption on the continent's economic development remains deep and visible and cannot be underestimated. Also note that corruption is not a victimless crime and often affects those who suffer most – vulnerable, poor, and marginalised individuals.
7. **Urge** State Parties to ensure that they fully implement commitments they have undertaken by ratifying these treaties. Many States Parties are yet to put in place mechanisms for whistleblower protection despite committing to adopting measures to protect informants, witnesses of corruption and related offences, and protection of citizens from acts of reprisal.
8. **Further Urge** States Parties to the AUCPCC to take swift action to report their progress on the implementation of the AUCPCC as required by Article 22(7) of the Convention. Appreciate the efforts of the very few States that have so far reported.
9. **Remind** African leaders that the AUCPCC through Article 12(2) requires States Parties to ensure and provide for the full participation of civil society in the monitoring process and consult civil society in the implementation of the Convention.

- 10. Reiterate** the AUCPCC's provision for States Parties to create an enabling environment for civil society and the media to hold governments to the highest levels of transparency and accountability in the management of public affairs.
- 11. Remind** the African Union leaders of our call in 2018 for the African Union to,
- i. Develop or endorse minimum standards and guidelines for transparent and accountable procurement.
  - ii. Set up and implement a community of practice dedicated to transparent and accountable procurement and the pursuit of value for money.
  - iii. Dedicate resources to procurement training and monitoring.
  - iv. Invest in research on the practice of procurement within Africa and continually and publicly monitor progress towards implementation of the minimum standards agreed.
- 12. Recognise** that the Open Contracting Data Standard (OCDS) and the Open Contracting Principles - established in 2014 - help facilitate the standardised disclosure of data, clarify documents applicable to the contracting process and allow for deeper and better analysis of data; and therefore remind AU leaders of our call in 2018 for the AU to:
- i. Encourage and facilitate Member States to join open government processes and introduce open contracting through the adoption of the OCDS and Open Contracting Principles in all sectors.
  - ii. Introduce open contracting as the default procurement process of the AU.
- 13. Highly commend** the AU leadership in endorsing, promoting and following up on the Common African Position on Assets Recovery (CAPAR).
- 14. Entreat** African States to address corruption in service delivery in education, water, judicial and health systems, including in crisis situations such as the Covid-19 pandemic, and remind leaders of our 2018 call the AU to:
- i. Promote transparency and accountability in education, health, water sector and justice systems, ensure sanctions and end impunity for those convicted of corrupt practices.
  - ii. Create mechanisms to collect citizens' complaints and strengthen whistleblower protection.
- 15. Remind** African leaders of our 2016 call on governments to disclose beneficial ownership as a way of ending the secrecy that enables corruption; and our 2018 call on governments to:
- i. Publish timelines for establishing public registers, in open data format, containing beneficial ownership information.
  - ii. Ensure that foreign companies operating in Africa are registered and disclose their beneficial owners.
  - iii. Require bidders for public contracts to undergo due diligence procedures to verify the background of the company and its senior officers, majority shareholders and ultimate beneficial owners, as well as disclose the identity of beneficial owners.
  - iv. Require high-risk sectors, such as the real estate industry, to have anti-money laundering programme requirements, including customer due diligence and adequate record keeping.
  - v. Ensure there are appropriate sanctions proportionate to the misconduct, including criminal prosecutions, for those found guilty of breaching these and related laws, and those found making false declarations.

- 16. Urge** African States to step up measures against money laundering and the financing of terrorism. **Call** on African leaders to ensure:
- i. that mechanisms are in place to allow all the relevant persons and entities to comply with their obligation to report suspicious transactions,
  - ii. that information on anti-money laundering and financing of terrorism is exchanged among the relevant bodies at regional level.
  - iii. the restructuring, adequate resourcing and capacity-building of investigative and prosecuting authorities on money laundering and financing of terrorism
  - iv. that each State Party conducts a national money laundering risk assessment and puts in place the necessary response measures.
- 17. Highlight** the importance of the Extractives sector in growing and sustaining Africa's economies and placing countries on a recovery path against the poor economic performance occasioned by COVID-19. **Urge** Member States to require transparency and accountability in the mining sector including the publication of reports on agreements, public participation, publishing information on operations of mining companies including on joint venture payments. Also remind Member States of commitments to the Africa Mining Vision and the Extractives Industry Transparency Initiative (EITI).
- 18. Flag** the urgent need for prudent public debt management in light of the borrowing related to Covid-19, and the impact of COVID-19 on African economies and recovery and call on Member States to put in place efficient systems for transparency and accountability in the acquisition of public debt, use and retirement.
- 19. Stand** with all communities, families and people facing the dreadful impacts of the Covid-19 pandemic and welcome all efforts to alleviate this situation. **Urge** African leaders to
- i. Ensure transparency in vaccine acquisition and distribution and ensure vaccine equity. Remind African leaders that Africa is already lagging behind in vaccination and that transparency is critical in ensuring target populations especially vulnerable groups get vaccinated.
  - ii. Ensure transparent and accountable procurement in the management of COVID-19 pandemic and make publicly available Beneficial Ownership information of companies winning COVID 19 tenders.
- 20. Reaffirm** our commitment to work with the African Union through the distinguished African Union Advisory Board on Corruption, the African Governance Architecture and other Organs related thereto, and most especially work with the anti-corruption agencies in our various Member States to eliminate corruption from the daily lives of African citizens.
- 21. Convey** the assurances of our highest consideration.