



AFRICAN DEVELOPMENT  
BANK GROUP



*in collaboration with the African Union*

# WORKSHOP REPORT

## Strengthening Transparency and Reducing Corruption Risks in the Defence and Security Sector

An exploration of practical measures to address the issue across African nations

Tunis, 21-23 July 2009

With the support of  
**DFID** Department for  
International  
Development

The organisers would like to thank everybody who has contributed to this conference.

This conference report includes the presentations and speeches that have been made available to Transparency International. All speeches are also available on the website [www.defenceagainstcorruption.org](http://www.defenceagainstcorruption.org).

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# **WORKSHOP PROCEEDINGS**

## **Strengthening Transparency and Reducing Corruption Risks in the Defence and Security Sector**

**An exploration of practical measures to address the issue across African nations**

*Tunis, 21-23 July 2009*

This workshop took place from 21-23 July 2009 in Tunis, Tunisia, on the invitation of the African Development Bank (AFDB) and Transparency International (TI), and in collaboration with the African Union (AU). The Tunisian government was represented by the Ministry of Defence, which expressed support for the initiative. The participants met for two days to explore practical measures to address the issue of defence and security corruption across African nations.

Participants included senior members of African governments, senior defence officers and officials from ten African nations, officials from the AFDB and the AU, African Non-Governmental Organisations and members of the defence team of Transparency International.

The workshop was characterised by extensive dialogue and constructive discussion on the merits of various methods of tackling corruption risks in the defence and security sector. Topics included country experiences of both corruption and counter-corruption reforms, new tools and approaches, civil society experience of engaging with defence and security establishments, the AU and AFDB perspectives on addressing corruption in defence and security, and the experience of international actors and others in peacekeeping operations.

The participants were all agreed that addressing corruption in defence and security was an important issue for African nations and organisations, and was now capable of being addressed much more constructively than in the past.

Specific recommendations were made by nations, regional development organisations, the AFDB, the AU, DFID, NATO, Transparency International and other Civil Society Organisations. Some broader suggestions on areas of priority for further consideration were also developed.

The participants are deeply grateful to the AFDB for being pro-active in bringing such a relevant and experienced group together to consider this key area of corruption risk in defence and security.

# PROGRAMME

## Tuesday 21 July 2009

- 12.00 – 18.00**      **Registration**  
*19.00*                *Informal Dinner*

## Wednesday 22 July 2009

- 8.30**                    **Welcome and Introductions**
- Ms. Zeinab El Bakri, Vice President Sector Operations II of the African Development Bank
  - Professor Dipo Kolawole, Vice President of the Economic and Social Committee of the African Union
  - Mark Pyman, Director International Defence Programme, Transparency International
- 9.15**                    **Building integrity and reducing corruption risk in defence and security – an overview of the issue and new approaches**
- Mark Pyman, Director International Defence Programme, TI  
Followed by 30 minutes discussion
- 10.15                    *Tea and coffee break*
- 10.45**                    **Why tackling corruption in defence and security matters:**
- The African Union view: Professor Dipo Kolawole, Vice-President of the Economic and Social Committee of the African Union
  - The African Development Bank view: Gabriel Negatu, African Development Bank  
Followed by discussion
- 12.00**                    **Participant personal experiences**  
Participants in small groups
- 13.00**                    *Lunch*
- 14.00**                    **Country experiences in addressing building integrity and reducing defence & security corruption risks**
- Kenya: Dorothy N. Angote, Advisory Board on Corruption, African Union
  - Uganda: Lt General Odongo, Minister of State for Defence, Uganda
- 15.30                    *Tea and coffee break*
- 16.00**                    **International experiences in addressing building integrity and reducing defence and security corruption risks – a view from NATO**
- Susan Pond, Senior Officer, Defence and Security Directorate, Political Affairs and Security policy, NATO  
Followed by discussion
- 17.00**                    End of day 1  
*19.45*                    *Dinner*

## Thursday 23 July 2009

- 8.45 Tools and approaches for Building Integrity and Reducing Corruption Risk**
- Air Commodore Alan Waldron  
Training modules / Standards of business conduct – guidance, training, comparison across nations / Defence Integrity Pacts / Working with defence contractors / Holding public round tables on major defence procurements, defence budget and policy / Strengthening defence procurement organisations / Developing a plan to build integrity and reduce corruption risk
- 9.45 Building a national defence anti-corruption plan – the experience of Poland**
- Maciej Wnuk, Anti-Corruption Director, Polish Ministry of Foreign Affairs  
Followed by 20 minute discussion
- 10.25 Implementation of anti-corruption plans in defence and security – the experience of Sierra Leone**
- Abdul Tejan-Cole, Head of the Sierra Leone Anti-Corruption Commission – tbc  
Followed by 20 minute discussion
- 11.00 Tea and coffee break*
- 11.30 Engaging international actors and civil society in addressing defence corruption risks**
- General Ishola Williams, Transparency International Nigeria: Engaging Sub-Saharan African CSOS in addressing risks in national security
  - Brig Nigel Hall, Transparency International and formerly UK mission to the UN: Engaging international actors to better address corruption in interventions in conflict countries
  - Mouhamadou Mbodj, Director of the Forum Civil Senegal
- 13.15 Lunch*
- 14.15 Taking this agenda forward – outline of “the way forward”**  
Action plans – individuals and organisations
- 15.15 Tea and coffee break*
- 15.45 Plenary – review and recommendations**
- 16.30 Concluding remarks** from participants and Co-Directors  
**Close of conference**

# SPEECHES AND PRESENTATIONS

## OPENING SPEECH

### BY ZEINAB EL BAKRI, VICE PRESIDENT OF SECTOR OPERATIONS II, AFRICAN DEVELOPMENT BANK

Your Excellencies, Officers of the Armed Forces  
Ladies and Gentlemen:

Thank you for positively responding to this initiative. It is a great pleasure and privilege for me to address this gathering of defence sector officials and experts. This workshop ought not to come as a surprise, as you are probably all well informed about the African Development Bank's commitment to good governance. I have looked forward to meeting you because of the vital role that the defence sector can play in furthering governance and security in Africa. Today, we are gathered to discuss concerted action to tackle both the demand and supply of corruption in the defence and security sector.

I am very optimistic about the progress that Africa is achieving in enhancing security. For "development without security is impossible"<sup>1</sup>, adequate security is well regarded as a precondition for promoting sustainable development and growth. However, although Africa has experienced a relatively robust growth over the past decade, pockets of instability and arbitrary rule still exist.

Challenges to good governance and poverty reduction remain ahead of us. Wasted resources and sub-optimal delivery of public goods and services, due to poor governance and corruption, can be blamed for yet unattained development goals. To illustrate this point, it is estimated that 25 percent of the GDP of African states is lost to corruption every year<sup>2</sup>. This calls for enhanced transparency, greater integrity and improved accountability.

Corruption reduces the credibility, efficiency and effectiveness of governments. It weakens frail institutions, crowds out necessary investments and undermines the delivery of services, particularly the poor. Meanwhile, the current global financial crisis requires an efficient resource allocation and the redefinition of public policy targeting the most vulnerable populations, in order to alleviate the burden of economic hardship. For all these reasons, corruption must be vigorously prevented and combated.

Defence remains in the top three most vulnerable sectors to corruption – along with oil, and construction and engineering. The 2006 Control Risks survey has reported that approximately one third of international defence companies lost out on a contract in the previous 12 months because of corruption by a competitor. The choice of the defence sector to address corruption has also been influenced by its privileged position in national economies. Worldwide, the defence sector has involved sizeable spending which exceeded 1 trillion US dollars in recent years. In developing countries, 10 percent of central government expenditure was allocated to the defence between 1997 and 2006<sup>3</sup>. In Africa, military expenditure has increased by 51% in real terms over the same period<sup>4</sup>.

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<sup>1</sup> Hilary Benn, former UK Secretary of State for International Development

<sup>2</sup> UNODC and World Bank STAR report, June 2007

<sup>3</sup> SOWC 2009

<sup>4</sup> 2007 SIPRI Yearbook

The relative ease of rent-seeking behaviour in the defence sector erodes trust and security, ultimately impeding growth and development. Defence sector business is largely conducted behind a veil of secrecy, justified ostensibly on grounds of national security. But this also often works in the interest of the companies and public officials rather than the public purse. As a result, barriers to greater transparency in the defence sector more often spring from a lack of political commitment than genuine national security reasons. Importantly, corruption in the defence sector occurs at the expense of more socially-productive investments such as health and education.

Fighting corruption in Africa requires visionary leadership, strong institutions and home-grown capacities. The military play a key role in strengthening the integrity of the defence sector. As pointed out in the 2007 Global Corruption Barometer (GCB), the military is hailed in many countries as the least corrupt sector, just after religious groups and civil society organisations. This leaves the institution well-positioned to contribute to curbing all rent-seeking activities. The Bank will hence seize this opportunity to apply leverage on joint anti-corruption efforts with the military, governments and civil society.

We, at the African Development Bank, are committed to eradicating the diversion of public resources in all activities. Internally, the Bank has strengthened its operations and procedures to systematically address governance and corruption in sector operations, whilst reinforcing its own financial management and procurement procedures. The Bank's active portfolio of projects supporting governance in Africa also reflects this priority. The Governance Department alone currently funds three projects supporting anti-corruption measures, for a total amount of UA 34.5 million.

This workshop is in line with the Bank's pro-active agenda and its objective to build a platform which crystallizes Africa's voice on transparency and anti-corruption; as well as to forge a pan-African consensus. There is already a wide consensus that peace and security are fundamental for those who aspire to sustain development and growth. And this reality is already considered in our interventions, all the more so in fragile states and post-conflict areas. The concomitant endeavour to address corruption in key high-risk sectors contributes to the same goal. However, the success of our work rests on the governments' ownership of efforts to tackle corruption, and strong international partnership between development partners, governments, the private sector and civil society.

I hope that this initiative will provide us with a platform to discuss and exchange good practices, which will also help the Bank to sharpen its work on transparency and anti-corruption. Furthermore, the workshop should seek to develop a structured report of proceedings to enable follow-ups amongst partners. I believe this is the beginning of a long-lasting collaboration and an important step on the path to reducing corruption and achieving our development goals.

Thank you.

# **OVERVIEW: “PROGRESS IN STRENGTHENING TRANSPARENCY AND REDUCING CORRUPTION RISKS IN THE DEFENCE AND SECURITY SECTOR”**

BY MARK PYMAN, DIRECTOR INTERNATIONAL DEFENCE PROGRAMME,  
TRANSPARENCY INTERNATIONAL

The summary below does not include the full Powerpoint presentation. The full presentation can be found at:

<http://www.defenceagainstcorruption.org/publications/all-publications/conferences/105-tunis-workshop-presentation-m-pyman-overview-of-building-integrity-in-defence>

## **Introduction**

Distinguished participants, ladies and gentlemen - it's a pleasure to be here with you at this workshop discussing progress in building integrity and reducing corruption risk in defence establishments. It's my role today to give an overview of the topic and to set the scene for the presentations and discussions to come over the next two days.

In the work that we at Transparency International do with defence ministries and armed forces, we hear several very specific reasons why they really care about tackling this issue:

- i) the huge waste of scarce resources
- ii) the negative impact that corruption has on operational effectiveness
- iii) the dramatic reduction in the public's trust in its armed forces if they are seen to be corrupt
- iv) the fact that it has been easy in the past to extract money corruptly from defence: this has made the defence budget a target for politicians, for re-election funds and for other rewards for favours
- v) the fact that international companies are increasingly withdrawing from bidding in countries that they perceive to be corrupt

On the broader issue of national security, the principal concern from Governments is that corruption can completely invalidate security strategies. There are usually major corruption issues in border security, in the gathering and use of intelligence, and in counter-insurgency. Finally, there is often a nexus between the military and high-value exploitable national assets, such as minerals, timber, land and oil, which confounds national security strategies.

It is always hard to get a reliable estimate of the scale of corruption – by its nature, it is hidden - and the difficulty of prosecuting corruption means that statistics of arrests and prosecutions are usually a poor guide to the scale of the problem. It is for this reason that corruption perception and the widespread use of opinion surveys has become a common surrogate for the measurement of corruption. Enough studies have been done in calibrating perceptions to reality for all of us who are not specialists to be comfortable in using these perception measures as reliable proxies for corruption. Transparency International carries out a number of such surveys on a large-scale international basis.

One of these is a survey of business people and the frequency with which they find it necessary to bribe their customers. It shows that the three most bribery-prone sectors are oil, arms and public works/construction.

On the other hand, surveys that examine the public's perception of corruption by sector of society show that the military are, on average, rather well regarded by the public. They come third best, after religious bodies and NGOs, at the other end of the scale from those who are worst perceived – political parties, parliamentarians and the police.

Being a global average, this favourable perception is not common universally and a breakdown by country shows a wide range, from countries that are well regarded, such as Singapore, Finland and India, through to countries that are very poorly regarded, such as Cameroon, Peru and Taiwan. There is also a clear distinction in citizens' perceptions between the military themselves and the defence or security ministry that oversees them. In surveys that compare the corruption perceptions of different institutions within a country, the military generally score higher than the associated defence ministry.

### **Transparency International's Defence Programme**

Transparency International was founded in 1993 as a not-for-profit, non-government organisation (NGO) dedicated to combating corruption and developing constructive solutions in both the public and the private sector. During the 1990s, it was impossible to address corruption issues in defence, as they were seen to be too secret, too sensitive and too difficult. However, in two groundbreaking conferences, in Sweden in 2000 and Cambridge in 2001, a gathering of nations, defence companies, academics and NGOs, facilitated by Transparency International, concluded that the legal and political environment had changed sufficiently that making substantive progress in addressing corruption in defence was now realistic and desirable.

Transparency International put in place a dedicated defence anti-corruption team in 2004, thanks to initial funding from the UK Department for International Development (DFID), who were well aware of the negative impact that poor security and predatory defence establishments have in impeding economic development. The approach of the team has been threefold:

- 1) Always to work both on the supply and the demand side of corruption: i.e. with both governments and with defence companies.
- 2) To focus on constructive measures that can be applied by nations in practice; even where there is only limited political will.
- 3) To try out all proposed measures in real-time practical applications with governments and with defence companies.

The TI Defence Team is made up of seven people, comprising both anti-corruption expertise and deep military knowledge from former senior military officers. We also bring on board experts from national defence academies, from TI chapters around the world and from academia.

The programme has now been running for five years and we have been actively engaged in some ten to fifteen countries, including Poland, Ukraine and Colombia. We are in dialogue with a further 20 countries who have varying levels of engagement in working with TI on this topic.

The programme itself has five main element and areas of work:

- Global defence industry and exporting governments
- Ministries and armed forces
- NATO
- Military in conflict countries
- Making the link to development

### **Ministries and armed forces – practical reforms**

I will discuss ten practical reform measures. These are activities that defence ministries, security ministries and armed forces can use to build the integrity of their organisations and to reduce corruption risk:

- 1) Using a good diagnostic tool and carrying out a self-analysis
- 2) Using surveys and metrics to monitor progress in transparency and public confidence
- 3) Developing a defence integrity and counter-corruption action plan
- 4) Engaging the leadership and “making the subject discussable.”
- 5) Establishing a serious training course on building integrity and counter-corruption in defence

- 6) Setting clear standards of business conduct for officials and officers, with appropriate training
- 7) Using independent monitors to raise integrity and confidence in large defence procurements
- 8) Holding public round table events on major defence procurements
- 9) Engaging civil society with the ministry of defence to raise defence transparency
- 10) Working with the defence contractors on collaborative ways to reduce corruption in bidding

In this presentation, I am going to be very brief about some of the measures, as they will be taken up in more detail later in the workshop.

## 1. Diagnostic Tools

A good self-analysis is the starting point for reform. The corruption issues in each defence establishment are likely to be quite different from one another and there is no general prescription. We believe there are two steps in the diagnostic: to understand the relevant risks from the full range of defence corruption risks, and then to have a methodology for self-analysis.

The first step is to compare your defence establishment against a full list of defence corruption risks. We have developed a typology that shows range, brigaded under three headings: political, procurement and other.

- Under the political heading are the high-level corruption risks where small interventions at senior level can have a huge impact, for example if someone is able to insert into the official defence policy a requirement for a particular kind of fast jet that might otherwise not be essential, this will have huge and expensive ramifications.
- Procurement is a heading all to itself, because of the large financial outlay usually involved, and the wide range of corruption risks engendered.
- Third, whilst “other” is non-specific, there are some very distinct risks in a defence establishment that are neither political nor procurement. These range from theft of the salary funds, through uncontrolled sale of military property, through to military-controlled businesses whose revenue is neither visible nor controlled.
- Finally, there is the whole plethora of “small bribes” that impact both individual citizens and businesses on a daily basis.

The full typology is shown in this slide:

Defence Corruption risks – diagnostic		
POLITICAL	PROCUREMENT	OTHER PROCESSES
DEFENCE POLICY not approved or published	WRONG PRODUCT	SALARY CHAIN
DEFENCE BUDGETS not transparent or debated	INCORRECTLY SPECIFIED OR EVALUATED	PROPERTY SALES
LEADERSHIP Appointments, Accountability	COLLUSIVE BIDDERS	SECRET BUDGETS
ORGANISED CRIME	AGENTS/ BROKERS	PRIVATE BUSINESSES
CONTROL OF INTELLIGENCE	FINANCING PACKAGE	OTHER INCOME SOURCES
REGIONAL POLICY	SUBCONTRACTORS	PROMOTION, TRANSFERS
NEXUS OF DEFENCE & ASSETS, e.g. oil	SELLER INFLUENCE	SMALL BRIBES
	OFFSETS	CONSCRIPTION
		ROADBLOCKS

The second element of the diagnostic is to have a simple yet robust methodology for doing the self-analysis. One such methodology is based around a series of workshops that use the typology slide above as the basis for analysis. A second is a methodology that we have developed in collaboration with one reform-minded country – Poland – and with NATO. We have together developed a questionnaire of some 50 questions under 8 headings, which the nation completes

in detail. The nation then invites a small team, comprising experts from NATO, Transparency International and one or two nations, to talk through the questionnaire results with the ministry of defence and the leadership of the armed forces. This approach has been trialled successfully in Ukraine, Bosnia and Norway, and is now being used much more widely among NATO nations and NATO partner nations.

## **2. Using Surveys and Metrics**

Whilst it is relatively easy to establish projects on building integrity and reducing corruption risks, it is critical to be able to explain the context within which this work is taking place, and to be able to monitor the progress being made. For both these reasons, opinion surveys are an essential tool. A surprising amount of survey data already exists publicly, both internationally and within nations. Internationally, organisations such as the World Bank Institute routinely carry out large-scale surveys across most nations and one of their metrics is control of corruption.

Such metrics are extremely useful for setting the context, but are generally too broad and too infrequent to be helpful in monitoring progress. Within nations there are often a wide range of surveys being undertaken for purposes quite unconnected with defence integrity, but which can be used or adapted as part of a defence reform plan. For example, in Colombia, the National Chamber of Commerce regularly polls its members on the perception of the corruption risks of all the different public institutions in the country. The Ministry of Defence has used this survey to track progress in the perception of their transparency over the course of a number of years. The slide below shows a second example of a transparency survey of public institutions in Russia and the rather base level of transparency of the Ministry of Defence in this ranking.

## **3. Developing a Defence Action Plan**

Usually the self-analysis will identify a particular range of integrity and corruption issues and it is through the Plan that prioritisation can be assigned. There is an excellent example of a Defence Action Plan being shown to you later in this workshop, that of Poland. I commend this to you, as it is simple, easily explained to staff and officers and is having a significant impact in the reform of the Polish defence establishment. Maciej Wnuk of the Polish Government is here to discuss this plan in more detail.

## **4. Engaging the Defence Leadership**

Our experience is that, because of the historical legacy of secrecy and sensitivity, both staff and leadership of defence establishments have no discussion at all about corruption. It is thus not part of the normal range of topics routinely under discussion, nor does it come onto the agenda of leadership meetings. We have found that by bringing together the leadership of the defence ministry with senior officers of the armed forces for a day or half-day dedicated to the discussion of building integrity and reducing corruption risk, it is possible to have a major impact on the mindset of the leadership and on their readiness to engage in constructive reform measures.

A typical such discussion would involve 15 to 30 people in leadership positions, based around the following sample typical agenda:

- 1) Introduction and context
- 2) Understanding the problem
- 3) Self-diagnosis
- 4) Developing ways to address the priorities
- 5) Ways to engage with staff and personnel

## **5. Defence Integrity and Counter-Corruption Training Course**

In collaboration with the UK Defence Academy and ourselves, NATO has developed a five-day training course on addressing defence corruption risk, focused at the Colonel (OF5) level for both military and civilians. This course has now been given five times, three times on a multi-nation participant basis and

twice on a single-country basis (Ukraine, Afghanistan). The course has succeeded beyond all expectations and we believe it is transformative in developing a knowledgeable and committed cadre of personnel in their national defence establishment, able to propose and take forward integrity reforms. Alan Waldron, later in this workshop, discusses this course in more detail.

## **6. Improving Integrity and Conduct Standards**

This is an important area of reform and one that is easily overlooked. In theory, all governments and all armed forces have a set of standards of conduct that officials and officers are required to adhere to. This ought thus to be a non-issue. However, in practice, such conduct standards are usually hidden away in detailed regulations, in original appointment letters or in legal instruments. Furthermore, there seems to be surprisingly little training around required values and standards in defence establishments.

Transparency International carried out a detailed survey in 2008 across 32 nations in Europe, Africa, the Americas and a few countries in Asia-Pacific, to establish the current status quo and to develop a template good standards document. The result confirmed the concerns above and showed major scope for improvement in almost all nations, particularly in training and in monitoring. A further surprise was the relative infrequency with which these standards referred to values in general, or to transparency or integrity in particular. There were a number of countries whose standards we felt were good and could be looked at by others as possible templates. These were Australia, Canada, Chile, Germany, Norway, Romania, UK and USA.

Strengthening the training and embedding of such standards in defence establishments is relatively easy, through the normal processes of training and development. Monitoring can similarly be easily strengthened through normal performance management processes.

## **7. Using Independent Monitors on Defence Procurements**

A characteristic feature of defence procurement is that there are occasional, very large procurements, usually for major items of capital equipment such as planes, ships or armoured vehicles. The opportunity for corruption is high and the reputational damage from an apparently corrupt procurement can be significant. Using an independent monitor to act as an “ombudsman” on such procurements is a good way of raising the visibility of such procurements and of raising the bar for those tempted to act corruptly. There are several different models for how to do this in practice. Transparency International has pioneered a technique called the “Integrity Pact” in which all the bidders and the government together sign a short contract, binding them to openness and transparency in the procurement, and setting out the use of an independent monitor as someone to whom all parties can refer possible violation. We have applied this approach in two defence applications to date, one the purchase of drug interdiction planes for Colombia, and the other the purchase of corporate jets for the Polish Ministry of National Defence. These practical applications demonstrate the applicability of the approach and we believe it is a technique that would benefit many other nations. Alan Waldron discusses Defence Integrity Pacts further.

A second approach is that adopted by the Defence Ministry of South Korea, who have developed a full time panel of Ombudsmen to act as independent monitors of major defence procurements. The Indian Ministry of Defence has taken yet another approach, requiring the Integrity Pact style of contract to be used for all defence procurements above a certain size, but without the use of an independent monitor.

## **8. Holding Public Round Table Events**

Because of the historical secrecy surrounding defence, neither defence officials nor the public are accustomed to open discussion of defence procurements, and we find benefit in holding public events at which the transparency and anti-corruption measures for major procurements are discussed publicly. Alan Waldron will speak further on the application of this simple technique to the procurement of armoured vehicles in Croatia.

## **9. Engaging Civil Society with the Ministry of Defence**

For the same historical reasons, it is unusual in most countries to find civil society actively engaging with the defence ministry. This is to miss a significant opportunity because the involvement of civil society in some of the defence ministry activities can benefit both the quality of debate and the external level of confidence in the transparency of the ministry. Examples of involvement include the following:

- Workshops on policy-making
- Involvement in the scrutiny of the defence budget
- Participating or leading perception surveys
- Social committees to advise the defence ministry
- Independent oversight (as per 7) above
- Speaking at defence academies on the social context.

## **10. Engaging the Defence Contractors**

In many other sectors of industry, the private sector has become actively involved in helping to raise the integrity and transparency in deals of that industry. One good example is the oil industry, who are working collectively and with governments on the “Extractive Industries Transparency Initiative” to ensure full transparency of exploration and production contracts in oil-producing nations. A second example is the international construction industry, which is actively working on a shared set of standards and practices that they adopt in international deals. Until recently, there was no such initiative in the defence sector.

International defence companies have, since 2005, been working to remedy this. The principal defence companies of Europe and the US have been meeting together to devise such a mechanism, under the chairmanship of the former Secretary-General of NATO, Lord Robertson, and facilitated by Transparency International. Arising from this, the European defence companies took the initiative in developing a Europe-wide standard, termed the “Common Industry Standard” that has now been approved and been adopted by the defence associations of all 27 European nations. Active discussion is currently under way in developing such a standard for full international application.

This work is a welcome initiative by defence companies and nations should be taking advantage of it. When an international procurement is under way, we recommend that you bring the companies together, remind them of standards such as CIS, and make it clear that you are expecting total adherence to the letter and the spirit of such Standards.

It is also possible to do something comparable with the *national* defence industry, for raising the integrity of the more routine defence procurements. It is our experience that the international companies are often ready to assist in giving guidance and training to national defence companies and associations, and they have resources and material that national companies can avail themselves of. We strongly recommend that you initiate such an approach in your country.

## **Other Reforms**

The above ten reforms are clearly not the only possible areas of reform. Other useful areas of application include budget transparency, increasing the transparency of offsets, greater use of electronic auctions, strengthening military prosecutors, better engagement of the parliamentary defence committee, more restrictive use of secrecy classifications, etc. Each nation needs to identify its own priority reforms, based on its integrity self-diagnosis.

## **Concluding remarks**

Ladies and Gentlemen, I hope that this overview gives you a sense of how much can be achieved by relatively straightforward, practical reforms. The most positive aspect for us has been the willingness of such a large number of nations to engage in defence reform and to explore many of these measures in practice. A second positive finding is that, in a number of countries, it is the ministry of defence that is leading on integrity and counter-corruption reforms across government. Clearly, it is not possible for

defence to succeed in major anti-corruption reform without being an integral part of a wider government effort. However, we are heartened by the extent to which defence ministries are ready to take the lead, counteracting the stereotype of defence being the last to reform.

Workshops such as this one are a driving force in changing the climate of opinion. I look forward to two days of active discussion and hope that we can conclude with clear recommendations for how to build these reforms into nations and into the key transnational institutions in Africa, such as the African Development Bank, the African Union and the Regional Defence Organisations.

Thank you

#### FURTHER MATERIAL

The Transparency International defence website – [www.defenceagainstcorruption.org](http://www.defenceagainstcorruption.org) - has copies of papers and articles on all the above topics. We have also produced a 'Handbook' for use by governments in such reforms. This is available in hard copy or through the defence website. For further information please contact the programme manger Anne Christine Wegener by email at [anne-christine.wegener@transparency.org.uk](mailto:anne-christine.wegener@transparency.org.uk) or on +44 207785 6359.

# **SPEECH “TACKLING CORRUPTION IN DEFENCE AND SECURITY MATTERS: THE AFRICAN UNION VIEW”**

**BY PROFESSOR DIPO KOLAWOLE, CHAIR, PEACE AND SECURITY COMMITTEE OF THE AU-ECOSOCC**

## **Introduction**

It may be necessary to start my contribution with a *Caveat*. I am here in a representative capacity. His Excellency, Mr. Akere Muna who is the President, African-Union Economic, Social and Cultural Council (AU-ECOSOCC) graciously requested that I represent him and AU-ECOSOCC at this Conference in my capacity as the Chair for Peace and Security of AU-ECOSOCC Cluster Committee. He would have loved to be personally present but an earlier scheduled continental engagement made this impossible. He sends his warmest good-will.

The organizers have requested that my intervention at this Conference should be on *Why Tackling Corruption in Defense and Security Matters: The African Union View*. It seems to me that any corruptible infiltration of the defense and security system of any country or continent not only compromises its national or continental security, but also constitutes a threat to the goal-value of peace and security of the whole system. It is my considered opinion that it may still be possible, even as repulsive as it is, for the system to cope with corruptible tendencies in other areas but its import to the defense and security domain would spell the collapse of the system. The reason is not far-fetched. Defense and security constitute the hub of a nation’s survival and existence.

## **Menace of Corruption**

Corruption is a universal phenomenon. Political corruption, corporate corruption and bureaucratic corruption exist in established democracies like the USA, Britain, Germany and France. But the universality of corruption cannot be a justification for its acceptability. Indeed, in such countries, there are effective rules for dealing with the scourge of corruption.

The evilness of corruption lies in its destructive tendencies. It compromises rules, constrains development and tends to concentrate collective wealth in the hands of a circumstantially privileged few.

In the African environment, a very troubling tendency is the fact that incumbent public officials present themselves as owners of public wealth rather than temporary managers of such wealth. They make proclamations that tend to distribute public wealth on the basis of reward and punishment. The rules and established procedures are no more the criteria for resource allocation but the whims and caprices of incumbent leaders. This, in itself, constitutes an act of corruption.

Corruption is a destructive and dysfunctional intrusion into the fabric of not only the society but indeed, any system. The extent, depth and pervasive incursion of it into all fabrics of African society is frightening. It has been difficult combating corruption in Africa because the guardians of the estate are the looters of the estate. Therefore, it has been difficult instituting and sustaining good governance. The reason is simple. If we agree on a causal relationship between good governance and democracy, then it must be acknowledged that democracy cannot grow on a soil of corruption neither can corruption serve as a manure for democratic development. One is tempted to remember the counsel of Harold Laski that “the defects of democracy are most largely due to ignorance of democracy; and to strike at that ignorance is to attack the foundation upon which those defects are built”. One major defect of democracy in Africa is corruption. Democracy can only survive when African leaders absorb the values and ethos of public service, dignity of labour and uncompromising commitment to accountability, probity and transparency.

## **Factors Encouraging Corruption**

Corruption thrives in African society because the society itself is tolerant of it. The leaders are aware that corruption no longer carries the cancer of shame and opprobrium as was the case in the past. Many factors encourage corruption in Africa, five of which are identified here.

First is the cult of leadership worship. We do not hold leaders accountable rather we hero-worship them. The matter is made worse as many of them do not even believe that power is transient by reflecting on the fate of their predecessors in office. History teaches the wise to learn from the experiences of others. Africa seems endowed with bad leaders who are usually not prepared to learn from history.

Second is that institutions and structures of state are not developed and strengthened to withstand and cope with tremors from accidental leaders. The traditional guardians of institutional and structural apparatuses of state cannot withstand temporary deprivations. They therefore succumb to threats and intimidations from temporary occupiers of public office. The resultant effect is that society suffers the consequences.

Third is that the society itself no longer values the importance of political integrity. It now glorifies corruption at the expense of altruistic service to the society.

Fourth is the lack of effective weapons of deterrence. Past probe exercises to hold leaders accountable had no meaningful effects in serving as a lesson to others on the dignity of service and the values of probity. Rather, the incidence of corruption grows now from arithmetic progression to a geometric progression. The problem is compounded by the fact that the villain of today would become the hero of tomorrow. So far, corruption in Africa has no lasting punishment in spite of the provisions in the statute books.

Fifth is that African society is a society of men and not of rules. The effective application of rules in our society depends on the perceived status of the offenders. Even the existing anti-corruption bodies in some African states, are not effective. The issues of defense and security are so important in today's world, particularly with the upsurge in both domestic and international terrorism, insurgency, militancy, militarism, piracy on the international waters and small wars including civil wars.

It needs to be noted that criminality is constantly on the increase. Crimes are no more limited to acts such as homicide, arson and other related crimes. State insecurity is threatened by trafficking on drugs and narcotics thereby destroying the lives of young people who engage in drug use. The widening scope of the conceptualization of security has therefore meant that nations, must be on the alert, at all times, to defend and secure their territories and the world at large.

Security denotes "the state of being free from danger or injury". The common source of danger is normally from physical attack on one's person or property. This may involve the use of weapons of violence such as guns and other weapons of war. Security is also viewed as "freedom from anxiety or fear". The above descriptions have pointed to one fact, which is that, a condition of insecurity could impose a situation of physical attack or psychological injury, or both.

Fear of insecurity is not limited to individuals or groups. States also constantly prevent themselves from being attacked by external aggressors or destabilized by internal insurgents. Defense is one of the means of achieving security. The need for security and survival, therefore, has propelled modern states to have Armed Forces comprising the Army, Navy, Air Force, Police and other Para-military institutions. Part of the components of a nation's defense and security system is the establishment of Defense industries to manufacture military wares. Many nations have gone too far in this direction by spending huge sums of tax payers' money on armament including nuclear weapons even at the expense of their domestic economy.

### **Corruption in Defense and Security Matters**

It is necessary here to shift our focus to the issue of corruption in defense and security matters. Tackling corruption at these strategic levels implies that there should be accountability and transparency by defense and security planners, the rank and file of the Armed Forces personnel and military industrialists. It is also about achieving integrity for the institutions of defense and security. The two critical sectors of state, defense and security may be involved in corruption in a number of ways. These could include the following ways:

One, in the award of military contracts for procurement of wares and installation of structure. Contracts can be inflated in monetary value and low quality products can be supplied. This happens when officials awarding contracts compromise their integrity and conspire with suppliers to cheat the state against the national security and defense interests of the country.

Two, sale of arms and ammunition to anti-state elements by Defense officials or soldiers. Bad eggs in the military can sell arms to insurgents, militants, guerillas and terrorists fighting the state and armed robbers. This is an act of disloyalty to the state either by disgruntled soldiers or troops who are motivated by material gains. Selling arms to illegal persons by soldiers may sound impossible but information from some African states shows that policemen and soldiers sell weapons illegally. In the troubled Niger-Delta region of Nigeria for example, the militants derive a lot of their weapons from compromised state security officials.

Three, National Defense Corporations can also undermine the state's security by illegally selling arms and ammunition to a country's external enemies and terrorists. This has been the difficulty faced by the United Nations and the United States regarding disarmament and de-nuclearization of the world. All efforts to ensure that nuclear proliferation is curbed are being thwarted by the illegal transfer of nuclear production information to fringe countries and autocratic, non-democratic regimes. The world is now at the mercy of these countries. One can only hope that corrupt officials in the Defense industries would not undermine state security by selling such nuclear armament information to terrorists.

Four, connivance of border security guards and Customs officials with smugglers to illegally import arms and ammunitions to a country. In most countries of Africa, the police and customs officials are as corrupt as politicians forgetting the strategic importance of the positions they hold and how their own act of omission or commission can impinge on national security. Tackling corruption in defense and security matters, therefore, means that officials and corporations engaged in the defense and security sectors should be morally sound at all times for the sake of individuals and state security. Accountability and transparency may be really difficult in an endemic corruption region like Africa. However, this is achievable.

### **Ways of Reducing Corruption in Defense and Security Sectors**

First there is the need for African leaders to re-invent the wheel of public-spiritedness. There must be a collective denunciation of corruption in high places. The leaders can use the instrumentality of the African Union to share intelligence reports on the state of corruption in individual countries and propose sanctions. The problem of the past is the unwillingness of African-leaders to use the continental forum to criticize erring members. It was assumed that it could be interpreted as interference in the internal affairs of member-states. But the force of globalization and the spirit of the new African Union compels African leaders to see themselves as their brothers' keepers criticizing where necessary and commending where desirable.

African leaders must realize that illegal encroachment on state resources deprives the state sufficient resources to procure essential military/security wares to tender state security internally and externally. This is bound to expose the state to conditions of insecurity from insurgents and external aggressors. Furthermore, if essential weapons are stolen from the arsenal of a state, its capability and capacity to confront external aggression will be limited. The AU presents the best forum for the leaders to re-examine and re-orient themselves on the evil of corruption.

Second is the need for a Regional Anti-Corruption Agency. As a consequence of the expected resolve to collectively tackle corruption at the regional organizational level, the AU should establish a special Anti-Corruption Agency to monitor the incidences of corruption in the continent. A branch of the Agency can be established in each member-state. The Agency will have an Intelligence Unit to provide essential information on corruption. The Police wing should be empowered to investigate, arrest and prosecute all cases of corruption. In addition to having branches in all states, units of the agency should be established in the respective states' Ministries of Defense, the Police, Internal Affairs and the Defense industries, which basically deal with the issues of defense and security. Each military formation in the states should

also have a unit. The officials of the Agency and the intelligence unit must be empowered to have access to any records relating to defense contracts and movements of arms and ammunitions.

Third, the AU should also establish a special Anti-Corruption Court in all member-states to try all cases of corruption including the ones in the defense sector. However, such anti-corruption agency should be responsible to the AU to distinguish it from existing municipal anti-corruption bodies.

Fourth, external support for Anti-corruption AU Policy. The cooperation of the international community is essentially required in tackling corruption at all levels in Africa. This is necessary because most of the resources stolen from the continent are kept in Western banks. Information sharing between Western Powers and the African Union on money laundering and state of armaments can considerably reduce corruption.

### **Conclusion**

Finally, and by way of conclusion, corruption of any form, and at any level, undermines state security and defense capability. The impact of corruption in relation to defense and security matters is wider in scope and deep in implications. All aspects of the defense and security system including recruitment of personnel, procurement, operational effectiveness and psychological battle-readiness of the Forces would be negatively affected. Globally, states would be at the mercy of terrorists who have at their possession arms and ammunitions illegally procured from corrupt state defense and security officials.

The African Union is poised to ensure good governance through constitutionalism in its member-states, and since there is a correlation between good governance and stability, AU-ECOSOCC will continue to seek ways and means of ensuring peace and security in the African continent.

# **SPEECH: A REPORT ON EFFORTS MADE IN STRENGTHENING INTEGRITY AND REDUCING CORRUPTIONS RISKS IN THE MINISTRY OF STATE FOR DEFENCE IN KENYA**

**BY DOROTHY NYAGOGA ANGOTE, PERMANENT SECRETARY AT THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS, KENYA, AND MEMBER OF THE AU ADVISORY BOARD ON CORRUPTION**

## **1. Introduction**

The Ministry of State for Defence is one of the ministries in the Office of the President. It is headed by the Minister who is responsible to the President and the Commander-in-Chief of the Armed Forces on the formulation and implementation of defence policy. The Minister-appointed by the President chairs the Defence Council which is responsible for the overall control and direction of the Armed Forces. The Ministry has two Assistant Ministers who assist the Minister in the running of its affairs.

The Ministry has also two principals namely the Permanent Secretary and the Chief of General Staff (CGS). The Permanent Secretary is the Government's principal civilian adviser and has the primary responsibility for policy, finance and administration in the Ministry. As the Ministry of State for Defence's Principal Accounting Officer, the Permanent Secretary is also personally accountable to Parliament for the expenditures of all public moneys provided for the Defence purpose. The CGS is the professional head of the three Kenya Armed Forces services and the Principal Military adviser to the Minister and the Commander-in-Chief. He is also responsible for the control, direction and the general superintendence of the Kenya Armed Forces, mainly the Army, Air force and Navy.

## **2. The mandate of the Ministry**

The role of the Ministry of State for Defence (MOSD) is to deter aggression and should deterrence fail, defend the Republic; provide support to civil power in the maintenance of order and such other duties as assigned from time to time.

## **3. Initiatives to strengthen integrity and reduce corruption risks**

Though the Ministry is mainly a Military Establishment, it has not been left out in the implementation of the Public Service Reforms whose aim is to strengthen integrity and reduce corruption risks. The Public Service Integrity Programme is one of the reforms introduced by the Government and the Ministry of State for Defence has been implementing various Corruption Prevention Initiatives since its inception in 2003. The programme is aimed at improving the system of Governance, Resource Management and Service Delivery to the public.

The Ministry has undertaken several Corruption Prevention Initiatives as enumerated here below:

### **- Established Corruption Prevention Committees:**

The Ministry has constituted Corruption Prevention Committees whose role is to prevent, detect, investigate and recommend appropriate action against those who may be found abetting the vice. The Committees are at Ministerial, formation and Unit levels.

### **- Trained Integrity Assurance Officers:**

Several Integrity Assurance officers have been trained and assigned duties to provide technical expertise and spearhead issues of integrity in the Ministry.

### **- Developed Corruption Prevention Policy:**

The Ministry has developed a Corruption Prevention Policy and Plan for its staff. The policy has been communicated and disseminated through the Ministry's website, inter office memos and circulars.

- Ministerial Tender Committee:

Procurement in the MOSD is conducted in accordance with the Public Procurement and Disposal Act, 2005 and regulations 2006 that both came into operation on the 1st of January, 2007. The Ministry's procurement is, as much as practical, being done through open tenders. This has always made the Ministry stride ahead confidently and has avoided being permanent clients of the Public Procurement Administrative Review Board.

- Code of Conduct and Ethics for Staff:

The Ministry has developed a Code of Conduct for members of staff. The Code of Conduct for the Ministry of State for Defence is not merely a set of rules for specific circumstances but an intentionally expansive statement of principles meant to inform all actions of members of staff.

- Carrying out of Corruption Risk and impact Assessments:

The Ministry carries out regular Corruption Risk and Impact assessments to determine its status in corruption prevention with a view to coming up with further interventions and strategies.

- Developed a Citizen Service Charter:

The Ministry developed its Citizen Service Charter in 2006. The Charter outlines the quality and quantity of the services offered. It highlights what the ministry does, what services users can expect, standard of service provided and indicates how users can seek redress if dissatisfied with the services provided. This has facilitated transparency and accountability in the services offered by the Ministry.

- Introduced Auto-bill system:

Efforts have also been made to develop other internal mechanisms to improve service delivery and ensure integrity, accountability and transparency in the provision of services in the Ministry. Such efforts include introduction of Auto-bill system of payment in accounts section. The system introduced in 2006, ensures first in first out in payment procedures.

- Compliance with the Budget:

The military budget has to undergo through a process like any other and is scrutinized by parliament through Parliamentary Accounts Committee as per the new standing orders of Parliament. The Ministry is duty - bound to implement recommendations by the Parliamentary Accounts Committee (PAC).

- Continuous Sensitization on Integrity Matters:

The Ministry has mainstreamed integrity and issues of corruption in all its training programs including induction for officers and personnel joining the Ministry. Several workshops on integrity matters are held for every Financial Year for both civilian and uniformed serving personnel. Further, during barasas, soldiers are constantly reminded of the principle of zero-tolerance to corruption and its evils.

- Measures in recruitment of service personnel:

During recruitment of personnel, adverts are made both in electronic and print media whereby all the requirements and details of the exercise are announced. Members of the public are warned that bribery is illegal. Any detected malpractice of serving uniformed personnel during the exercise is dealt with and in accordance with the military disciplinary procedure while the non military personnel appear before civil courts. Further, to ensure transparency during recruitment, the Ministry has been put in place standard operation procedure.

#### **4. Lessons Learnt During the Implementation of the Aforementioned Initiatives.**

- Reduced corruption enhances efficiency in management.
- Continuous sensitization of personnel on evils of corruption is imperative if an organization has to succeed and so is the continuous corruption risk and impact assessment.
- Corruption does not pay.
- Zero tolerance to corruption improves the image of an organization.

- Where corruption is minimal service delivery, justice and fairness is enhanced.
- Teamwork and transparency enhances service delivery in places.
- Resistance to change hinders implementation of the initiatives.
- When Information Technology (IT) is embraced, corruption is bound to reduce tremendously.
- Proper checks and balances can reduce corruption.
- Honesty pays.

## **5. Conclusion**

All these initiatives undertaken by the Ministry aim at restoring and sustaining transparency, accountability and integrity so as to achieve Zero tolerance to corruption. Due to the implementation of the above mentioned initiatives, the Ministry was Awarded 1st price in integrity during the Public Service Week in August 2008.

# **SPEECH “UGANDA’S EXPERIENCES IN ADDRESSING BUILDING INTEGRITY AND REDUCING DEFENCE AND SECURITY CORRUPTION RISKS**

**BY LT GEN ODONGO JEJE, MINISTER OF STATE FOR DEFENCE, UGANDA**

Dear TI Officials  
AU and ADB officials  
Generals and  
All Members here present

I do not have my remarks on a PowerPoint presentation. I am not one of these dot com kids. Rather my remarks are off-cuff and very brief indeed.

The fact that we are discussing corruption seems to confirm that indeed corruption does occur in the defence and security factor. The question therefore is how, and where does corruption occur in the defence and security sector, and what forms does it take?

In my country Uganda, corruption occurs mainly but not limited to, procurement, management of personnel and pay, and operations.

Procurement is a major area in which corruption occurs. This mainly occurs through over-invoicing, and non-competitive bidding. By the nature of the security sector some of the hardware is not publicly sourced. This is so for fear of exposing what you have. Thus this cloak of secrecy under the guise of national security plays into the hands of corruption perpetrators.

In the management of personnel and pay, over-declaration of strength is in effect a falsification (with the motive for personal gain). This is possible where especially strength management is manual.

Related to personnel management is pay. For quite a long time personnel in my country were paid physical cash. Handling of huge amounts of cash is, to say the least, tempting the devil. Either cash falls short, some soldiers miss pay or cash is “stolen”/hijacked en route to where the soldiers to be paid are located.

Field operations are one major area where corruption takes place. Corruption occurs because of the excuse of “urgency” and therefore the need to do away with procedures.

The government of Uganda has fought this malady through a number of ways and mechanisms. A number of pieces of legislation and institutions are in place for this purpose.

First there is the institution of the ombudsman. In Uganda we call him/her the Inspector General of Government (IGG). His/her main task is to look at operations of government officials and to see if they comply with government procedures. In particular the IGG supervises a piece of legislation called the leadership code. Through this legislation all public servants (including military officers from the rank of major upwards) are required to declare their wealth annually.

In our parliament there are two committees that oversee the defence sector.

First there is the Defence and Internal Affairs Committee. This committee closely monitors the Defence sector. For example, it critically examines the defence budget, and on satisfaction passes it.

The second parliamentary committee is the Public Accounts Committee. This committee examines the expenditure of the Ministry of Defence (and all other government departments) with a view to identifying areas of misappropriation of funds following a report of the Auditor General. Obviously this is a post mortem. But interestingly some officials who have been caught at fault have either been imprisoned or refunded the misappropriated funds.

Beyond Parliament there is the PPDA (Public Property Disposal Authority) through which all public procurements must go for thorough examination. Additionally the office of the Attorney General examines all procurement contracts with a view to identifying loop holes.

Within the Defence sector beyond these measures some additional measures have been put in place. First, to remove the temptation through carrying large amounts of cash we introduced paying all our soldiers using the bank. Each soldier is required to open a personal bank account through which he can access his monthly pay.

Secondly in the recent past we have introduced IRMIS (The Integrated Resource Management Information System). This is an electronic system presently used to manage personnel matters, particular matters relating nominal rolls and strength. A soldier's bio data, including face and thumb print, are captured and used as a basis for identification for pay.

The improvement of the security situation, particularly with the defeat of Joseph Kony's LRA (Lord's Resistance Army), means the excuse of operations is now minimal.

The measures I have indicated above, helpful and effective as they may be, are in my view really "fire fighting" methods. They only stem but do not completely resolve the malady of corruption. My view is education is the ultimate solution (of course in addition to and not in exclusion of the measures outlined above). Through education everyone shall fight corruption consciously. It is like we say in the military: conscious discipline is better than mechanical disciple.

It is better we all fought corruption because we consciously know it is bad than if we did not engage in corruption because of mere fear of the repercussions.

Thank you.

# SPEECH “TOOLS AND APPROACHES FOR BUILDING INTEGRITY AND REDUCING CORRUPTION RISK”

BY ALAN WALDRON, DEFENCE PROGRAMME, TRANSPARENCY INTERNATIONAL

The summary below does not include the full Powerpoint presentation. The full presentation can be found at:

<http://www.defenceagainstcorruption.org/publications/all-publications/conferences/103-tunis-workshop-presentation-alan-waldron-tools-and-initiatives>

## Introduction

As part of the Building Integrity in Defence Establishments (BIDE) programme to reduce corruption risk and build integrity, Transparency International has developed a range of tools and initiatives, these include: a training module; research on the conduct of officials; the use of integrity pacts; dialogue with industry; and the utilisation of 'roundtables' in importing countries.

## Training module and self-assessment programme

The training module was developed following a major international NATO workshop in July 2007. It has been unanimously supported at Ambassadorial level within the Euro Atlantic Partnership Council and was trialled at three venues in 2008; these were at the UK defence Academy, the NATO school at Oberammergau, and the Peace Support Operations Training Centre at Sarajevo in Bosnia. In 2009, the course has been completed at Kiev in the Ukraine and Kabul in Afghanistan, with further courses planned during a return to Kabul and at Sarajevo. It has been extremely well received by all participants and provides the basis both for work on return to their nations, as well as a foundation for a network of experts.

Training Module Content					
Administration	Introduction to Integrity Building	L	NATO Perspective	S	Corruption in My Country
L Rule of Law	L Anti Corruption Tools	L	Personal Conduct	E	Conduct of Officials
L Public Financial Management	L Media	L	Operational Perspective	E	Defence Procurement
L Keynote Speech	L Defence Reform	L	Change Management	E	States in Transition
E How Will I Tackle It	Certificates Presentation		Course Dispersal		

Designed for the OF 5 level, the module lasts for five days and consists of a spectrum of lectures, syndicate work, and practical exercises. Content ranges from anticorruption background through to personal and official conduct

as well as addressing operational and procurement procedures, together with change management. Case studies and practical examples are used throughout the week and the course is delivered by a range of personnel, including from Transparency International, the UK Defence Academy, the Geneva Centre for Security Policy, the Swedish National Defence College as well as visiting senior experts from appropriate nations. It is intended that the course be further refined so that it can be part of a capacity building programme and delivered in a number of NATO, or indeed national, colleges and it is hoped that it can be further developed over the next few years to include specialist courses for personnel such as procurement experts and anticorruption advisers.

The self assessment programme comprises of a list of some 90 questions to be completed by governments, which are reviewed by a panel of experts, and then followed up by an in country visit. A confidential

report is then prepared for the host government outlining areas that they may wish to consider to further improve integrity and reduce corruption risk

### **Conduct of officials**

As a result of global open source reporting on the conduct of officials, Transparency International has undertaken a research programme to identify international standards. Some 60 nations were contacted, of whom 32 responded, providing full details of their documentation covering their guidance or directions officials. Of these, very few were considered fully suitable with major weaknesses being in the areas relating to bribery, gifts and hospitality, conflict of interest, post-separation employment, and training.

The report identifies weaknesses, and offers suggestions for the conduct of good practice, together with example documentation for use within ministries and military organisations. Additionally, nations have been re-contacted during a follow-up research programme to identify areas where further advice for any necessary strengthening of the example documentation would be helpful, together with a request for proposals for further aspects of research which will be beneficial to them.

### **Research: Business Conduct Standards in Defence Ministries and Military Forces**

**Purpose** – to develop best practice for governments and armed forces in standards/rules for good ethical conduct  
**Background:** Numerous queries from media; apparent lack of clear guidelines in nations  
**Scope:** 60 country MODs contacted; 32 detailed responses  
Europe: Albania, Bulgaria, Croatia, Denmark, Finland, Georgia, Germany, Ireland, Latvia, Lithuania, Norway, Poland, Portugal, Romania, Russia, Serbia, Spain, Sweden, the Ukraine, UK  
Africa: Kenya, Nigeria, South Africa, Tanzania, Uganda  
Americas: Canada, Colombia, USA  
Asia/Pacific: Australia, New Zealand, Pakistan

**R** **Best Performers:** UK, Australia, Chile, USA, Canada, Germany, Norway, Romania  
**E** **Structure:** most countries relied on compliance-based regimes; better performing countries had ethics-based regimes backed up by hard rules  
**S** **Bribery:** universally noted as outlawed, but most regulations were poorly developed  
**U** **Gifts and Hospitality:** widely addressed; low reliance on quantitative regulations  
**L** **Conflicts of Interest:** mostly poorly developed  
**T** **Post-Separation Employment:** mostly not addressed  
**S** **Training:** Mostly poor or very poor.

### **Integrity Pacts**

Integrity pacts were developed for use in the construction industry and have been developed for defence use, effectively they are a contract between potential bidders and a procuring government with an independent monitor, or monitoring team, providing transparency and oversight. Should corruption be detected, then the bidder responsible can be excluded from the procurement process.

The monitor or monitoring team are normally, supported by external experts who can advise on equipment specification and contract details. The Pact, if utilised, can be a source of skills enhancement for nations as well as providing long-term oversight, as often this is neglected post contract award. The benefits of the Pact, in addition to transparency and a reduction in corruption risk, could include improvements to the accuracy and clarity of specifications and contracts, as well as enhancements in value for money which could lead to greater operational effectiveness and combat power.

### **Dialogue with industry**

Transparency International has engaged in a dialogue with industry over the last five years in order to improve codes of practice to reduce corruption risk. All major north American and European manufacturers and manufacturer's representative organisations have been contacted. Regular meetings had been held, chaired by Lord Robertson, the former Secretary General of NATO, on behalf of transparency

international, and as a result a common industry standard code has been agreed by the European manufacturers.

Further reviews are being conducted to harmonise the North American and European codes, as well as reviewing whether an overarching organisation to oversee these codes would be useful. Additionally, work is under way to try and consider how best to extend initiative to other major arms producers outside of North America and Europe. Whilst the Common Industry Standards are an excellent first step in the provision of tools to counter corruption, they should be reviewed on a regular basis, to enhance accuracy and effectiveness. The initiative is particularly helpful to nations, as they now are aware of the codes, and potential manufacturers can be interrogated to confirm that they will abide by them thereby enhancing integrity.

### Round tables

Round tables, effectively a small workshop or conference, are useful ways to initiate integrity building procedures within either a nation or an organisation such as a defence ministry. It is often easier for the initiative to be facilitated by an external agency, such as Transparency International, to outline initiatives and tools in use in other transnational or national organisations.

#### Round-Tables in Importing Countries

**Rationale** – to raise the public profile of upcoming defence procurements in civil society, Defence Ministries and the military

**Example:** Zagreb, Croatia

**Purpose:** to discuss integrity in defence acquisition because of upcoming contracts (armoured vehicles, jets)

**Attending:** Defence Minister and officials, companies, procurement chiefs, MPs, diplomats, TI, civil society, media. Defence companies: Lockheed Martin, Steyr, Saab

**Perception:** positive: put the contracts more in the eye of the public and MPs, and more onto the agenda of the defence ministry.

These ‘round tables’ can be either internal, that is solely confined to an organisation and designed to update or advise, or more general, whereby it is a wider, or even a public, workshop. This can be used to explore a forthcoming procurement and the best ways of improving integrity and reducing corruption risk; it is often beneficial to have

representation from government, opposition parties, industry as well as appropriate foreign diplomats and civil society. This can be an effective first step for introducing integrity enhancing measures for use on a long-term strategic national basis.

We have found a growing interest and enthusiasm to build integrity and reduce corruption risk over the past few years, and these tools have made a significant impact in that process in an increasing number of nations. I very much commend them to you, and we will be delighted to help and to assist your reformist agenda. It will not be an easy journey, but an ever growing number of practitioners makes that support stronger and once the process starts, it becomes much easier to continue, and subsequently sustain.

Thank you.

# **SPEECH “BUILDING A NATIONAL DEFENCE ANTI-CORRUPTION PLAN THE POLISH EXPERIENCE”**

**BY MACIEJ WNUK, DEPARTMENT OF INTERNATIONAL SECURITY POLICY, MINISTRY  
OF NATIONAL DEFENCE, POLAND**

The summary below does not include the full Powerpoint presentation. The slides of the presentation can be found at:

<http://www.defenceagainstcorruption.org/publications/all-publications/conferences/101-tunis-workshop-maciek-wnuk-building-defence-ac-plan>

Ladies and gentlemen,

Poland is a medium range country in Europe, and since 2004 a member of the European Union. For more than 40 years Poland suffered under the communist regime before obtaining freedom.

My name is Maciej Wnuk. For more than 4 years I have been cooperating with the Polish chapter of Transparency International.

## **The starting point**

According to the Corruption Perceptions Index (CPI), Poland was the most corrupt country of the 25 members of the European Union in 2005. At this stage anti-corruption activity in the Ministry of National Defence, as in the whole Polish administration, was very inefficient.

On the positive side, many institutions were involved in counteracting corruption in defence: the Control Department and the Audit Bureau, the Military Police and the Military Prosecutor Office, the Counter-intelligence Service, as well as the state Supreme Chamber of Control. Many corruption schemes were uncovered, a few officers and civilians were charged and even a special report on corruption in defence was prepared for the minister.

On the negative side, the anti-corruption activity of so many institutions was absolutely uncoordinated. Knowledge of corruption schemes was not used to carry out systematic changes. (The corruption report mentioned above was read ...and shelved.) No unit of the ministry was responsible for preventing corruption. There was no anti-corruption policy and no integrity building activity. In such conditions, anti-corruption measures were ineffective.

One of the results was that the procurement process was inefficient. It concentrated on buying arms, not on buying capabilities, and on spending of money, not on value for money. Such an approach generated additional costs and decreased operational capabilities.

## **The bureau**

In the same year, after elections during which the anti-corruption issue was one of the main subjects, the new Minister of National Defence appointed me as an adviser on anti-corruption and started integrity reforms.

In 2006 the Anti-Corruption Procedures Bureau was quickly founded as a new body responsible for prevention, and with the mission of improving procedures for integrity and creating anti-corruption policy. The bureau is directly subordinated to the minister. Four civilians are employed, all from outside the defence sector and industry in order to preclude possible conflict of interests. Most of them have an anti-corruption background from NGOs, local administration or the judiciary. The basic idea of its foundation was to anchor the anticorruption duties more firmly in the structure of the ministry. It works, as the bureau operates currently with the second director under the third minister.

## **Defining priorities**

The main areas endangered by corruption were pretty well known: procurement of military and civilian equipment and services, construction works, research and development projects, selling of surplus

property and equipment, accommodation management, conscript procedures, development projects run in the frame of foreign military missions, abuse of power and privileges.

Starting with practical reforms, we decided to tackle corruption from the top, from the point where potential losses for the society are highest. The aim was to show our reforms were serious and reliable. To define our priorities we provided a short risk assessment to find where high corruption risk connects with heavy potential financial losses and with the engagement of high ranks officials. As a result we concluded that public procurement of military equipment was the most important issue to tackle. It was less transparent than general public procurements, it consumed a significant part of the budget (c. 20%, more than 1 mld Euros / year) and engaged top management from the ministry and armed forces.

### **Procurement reforms**

Reform of the procurement system comprised several elements, including:

Our bureau had a significant role in setting higher standards of reliable and effective testing of procured arms by proposing and supervising additional tests of the armoured wheel vehicle Rosomak (Polish version of Patria AMV), whose ballistic resistance was not properly tested during the procurement process. Additional supervision of key points of the procurement process by the anti-corruption bureau was introduced. This includes a preliminary audit of key documents, such as technical requirements, tender conditions, bid evaluation and contract draft. We also started cooperation with Transparency International, introducing some elements of the Defence Integrity Pacts – methodology elaborated by TI – into a tender for VIP jets.

As a positive result of the introduced reforms we can list the achievement of better “value for money” output, meaning we made progress in buying equipment of better quality for less money. Procurements seem to be better prepared and more focused on the holistic approach of buying capabilities and not goods only.

On the other hand, the focus on accountable money spending led to problems related to spending the entire budget during the fiscal year. As a result, at the end of the year pressure to spend money in any way is growing, which increases the corruption risk. This problem is also used by lobbyists in order to inspire the number of articles postulating limitation of anticorruption procedures.

### **Supervision of key points - details**

Defence procurement is the area of highest corruption risk. There are several key points in the process, which should be tackled with special attention to reduce this risk to a minimum. They exist in the preparatory stage, during the tender or negotiation, as well as in the implementation of the contract. It is necessary to address specific issues, for instance by asking particular questions, in every one of the key points. The most important of them are listed below. In the practice of the Polish Ministry of National Defence it is the duty of Anti-corruption Procedures Bureau to raise these questions, prepare opinion and suggest solutions.

#### **Preparatory stage**

Operational requirements for new arms. Do they enable fair competition in the future? Are they based on real operational needs or simply on something seen in an advertising brochure?

Technical requirements of new arms. Are they based on operational requirements or are simply copied from a technical specification of specific product? Are they accurate and objective? Do they enable fair competition? If not – is that shown clearly and justified?

Planning and budgeting. Is the acquisition plan prepared for buying capabilities and systems or isolated items only? Is the volume of the purchase justified by real needs? Are the funds secured for the whole project, in the following years as well? Are the unplanned purchases reliably justified by real urgent operational needs?

#### **Proceedings of procurement**

Competitiveness. Is the procedure competitive, for instance with tender? If not, whether single source procedure or tender limitation can be reliably justified? Is the procedure as competitive as it can be?

Evaluation criteria, documentation. Are they clear and accurate? Are they fair for all competitors? Are the weight of objective criteria (such as price or life cycle cost) bigger than of the subjective ones (such as additional capabilities)? Is the whole tender documentation clear and objective?

Conflict of interests. Do the tender committee members, as well as the other officials participating in the preparatory or implementation stages, have any relationships with the potential bidders which can be regarded as a conflict of interest? Did they sign a declaration on the absence of such conflict? How can one verify this?

Tender committee works. Has the committee worked as was set out in the documentation?

### **Contract and its implementation**

Quality assurance, testing. Are the proper (objective and based on reliable methodology) tests expected? Is the quality assurance process expected in contract implementation?

Contract draft and final contract. Is it accurate and does it assure MoD rights?

Contract implementation. Is the contract implemented as it was signed? Are changes or amendments to the contract justified?

### **Preventing conflict of interest**

Another main area for reform was the prevention of conflicts of interests, not only among members of tender committees, but also among all uniformed and civilian officials.

At this stage the existing regulations were not appropriate for preventing conflicts of interests effectively. The Codes of Conduct for Professional Soldier and Code of Ethics for Civil Servant were, and still are, too general for practical enforcement in that field. They are not detailed enough and contain no examples. The other regulation, the Act on Lobbying in the Law-Making Process, does not cover issues of industrial lobbying.

We introduced a code of conduct for military & civilian personnel in their relations with the defence industry, which regulates such issues as:

- acceptance of gifts and other benefits (general rule: no gifts),
- participation in industry sponsored events (limited to common events directly linked to signing or implementation of a contract),
- presentations of defence goods and services by industry (direct presentations, no agents),
- renting of military property for external events (defence industrial lobbying prohibited).

One of the aims of the code was to eliminate from relationships between the ministry and the defence industry different types of intermediaries, often presenting themselves as “independent” experts, journalists, publishers, whose activity looked like non-transparent, unregistered industrial lobbying.

The bureau is quite often asked by officers and officials about opinion on their planned activity. It shows that the code of conduct is taken seriously.

The other new regulations were introduced into the Act on professional military service. They prohibit taking up additional work for the defence industry during military service, obligate all officers to submit asset disclosures, which are controlled and verified by the military police afterward, and introduce a 3 year moratorium for employment in defence industry after the end of the military service.

### **The Watchdog**

The anticorruption bureau not only prepares its own proposals of new regulations, but also serves as a watchdog for general legislative processes in the ministry. Proposals for new regulations and procedures are analysed from the point of view of their legality, transparency, prevention of conflicts of interest and good governance.

The other area of watchdog activity started even before the first anticorruption procedure was introduced. The minister needed independent advice on various proposals with potential corruption risk submitted to him as the most powerful decision maker in defence.

It is a universal corruption scheme that defence ministers all around the world are asked to allow actions beyond existing procedures, such as buying new arms in urgent operational cases, often on the basis of incomplete information and false justification. The bureau analyses whether such proposals are legal, economical and well justified, and quite often recommend the right legal way to solve a problem.

The anticorruption bureau, acting as a watchdog, improves procedures and prevents omission of valid regulations. On the other side the pressure to bypass procedures rather than to improve them is still too high.

### **Integrity Reforms – How to Start and Continue?**

Let me present some thoughts on how to start and continue anti-corruption reforms in defence (and I believe many of them are valid also for non-defence institutions). I list the advice in a form of a road map.

First, you need to know “where is the enemy”: where are the issues in need of reform? Carry out a self-assessment of corruption risks. NATO offers a tool, namely the “Integrity Self-Assessment Questionnaire” and also subject matter experts. When you have assessed areas of corruption you should define your priority areas. I strongly believe that if you want to start reliable reforms you ought to tackle corruption from the top. So the priority areas should be the ones where high corruption risk connects with heavy potential losses and with high ranking officials.

Next, you are ready to prepare your strategy: define priorities, find key points for change, and prepare the action plan, budget and staff. I strongly recommend that the implementation of the action plan should be based on activities of fully-paid staff, designated for this job. This means officials for whom prevention of corruption and building integrity are the main tasks of their job description. Do not hesitate to engage new people from outside the defence establishment and defence industry. This way you can protect your activity against conflict of interests.

In preparing your reforms, concentrate on substantial changes. That means change the law and procedures first, and make the personal changes afterwards. Substantial changes are more durable than the personal ones only. Cooperate with anti-corruption institutions, in and outside the defence sector. Law enforcement agencies could be the source of knowledge warning about new corruption schemas, demanding improvement of procedures. Civil society organisations can be an excellent source of advice, such as through the afore-mentioned Defence Integrity Pacts of Transparency International.

Train your staff and educate defence personnel. NATO offers a tool, namely the education module on integrity building in defence. In searching for solutions, learn from the best practices of other countries and institutions. NATO is preparing a compendium of best practices on integrity building in defence.

When you start your activity you will be asked to deal with many specific issues. Because of limited resources you can not deal with all of them effectively. My advice is: concentrate on priorities.

Many institutions remember anti-corruption actions started loudly but quietly finished shortly after. To be not only effective but also efficient you need to supervise implementation of newly introduced rules. So, be consistent in your activities. Remember that anti-corruption is a never-ending story.

And my last advice here is: use momentum of high political will to introduce substantial reforms. Then reforms will be implemented in the period of lower political will as well. And even in times of a lack of political will some of the reforms will be continued.

Thank you.

# **SPEECH “ENGAGING SUB-SAHARAN AFRICAN CIVIL SOCIETY ORGANISATIONS IN ADDRESSING CORRUPTION RISKS IN NATIONAL SECURITY”**

BY ISHOLA WILLIAMS, TRANSPARENCY INTERNATIONAL NIGERIA

(EXTRACTS BASED ON ISHOLA WILLIAM’S POWERPOINT PRESENTATION)

The summary below does not include the full Powerpoint presentation. The full presentation can be found at:

<http://www.defenceagainstcorruption.org/publications/all-publications/conferences/102-tunis-workshop-presentation-i-williams-engaging-sub-saharan-african-csos>

## **1. Introduction**

- Most countries have no clearly defined or appropriate National Security Policy and retain an outdated colonial Security Architecture- South Africa is a model, Uganda has a SSR Programme, Nigeria’s has no approved policy with an array of security agencies.
- Only South Africa has a sophisticated Defence Industrial Base and backed by R&D, Nigeria, Kenya, Sudan, Zimbabwe etc are under-funded and struggling.
- Most Sub-Saharan countries have small security agencies and are therefore not big spenders when compared to North Africa and the Middle East but South Africa, Zimbabwe, Sudan, Nigeria, Kenya, Angola, DRC do spend a reasonable percentage of their GDPs on National Security for well-known reasons.
- Personal and overhead costs are nearly 80% of the defence budget, leaving 20% or less for procurement funding. Internal conflicts has separate funding, is not part of the budget and involves secret arms procurement.
- Other non-western defence industries, especially in Asia, may not want to be part of the Common Industry Standards – Is that good for Africa?

## **2. Why we need to engage the security sector**

- a. Increasing insecurity demands more resources
- b. Privatisation of security mean security is not affordable to the majority
- c. Need for regulations
- d. Shaping security policy, the architecture, the implementation and the resources required
- e. Need for think tanks-studies and policy recommendations with monitoring
- f. Need for public awareness of the sector costs and benefits
- g. Need for advocacy to the Parliament on
  - budgetary allocation
  - ensuring oversight – bi-partisan
- h. Need for monitoring, evaluation and learning on performance

## **3. What Civil Society Organisations (CSOs) must do**

- a. Monitoring and Report the applications of point 2. above
- b. Monitoring the agencies in contracts for infrastructure and development projects, for example through Defence Integrity Pacts (DIP)
- c. Monitoring of the capability and effect of procurement exercises
- d. Partnership in training, exercise and execution of humanitarian interventions
- e. Monitoring arms transfer, exports/imports and costs in procurement in sub-saharan Africa
- g. Non-partisan think tanks making policy recommendations and briefs for crisis management strategy and doctrine

**Challenges of engagement**

- identifying the few national CSOs to form a coalition with other willing and existing non-government organisations, Transparency International chapters and non-government organisations that are engaged in security can be the starters
- breaking down secrecy barriers with the security agencies in dealing with corrupt practices
- setting instrumental and institutional controls to minimise risks
- raising peoples' awareness

**Action**

- capacitate these CSOs, the civilian section of the security headquarters and parliamentarians separately as part of the coalition
- organise a joint seminar on how to minimise security corruption risks and defining goals of roles, functions and social benefits of the coalition

**Design implementation with the African Union (AU) and Regional Economic Communities (RECs)**

- do the training programme on “Building Integrity and Reducing Security Corruption Risk” for security agencies with AU and RECs standby forces, civilian elements and procurement staff
- introduction of Defence Integrity Pacts with pilot projects in willing countries including training of Civil Society Organisations and monitoring of the defence procurement exercise.

Thank you.

# **SPEECH “TRANSPARENCE ET COMMANDE PUBLIQUE LIÉE AUX QUESTIONS DE SÉCURITÉ ET DÉFENSE NATIONALE”**

**BY MOUHAMADOU MBODJ, FORUM CIVIL – SENEGALESE SECTION OF TRANSPARENCY INTERNATIONAL**

(EXTRACTS BASED ON MOUHAMADOU MBOJD’S POWERPOINT PRESENTATION)

The summary below does not include the full Powerpoint presentation. The full presentation can be found at:

<http://www.defenceagainstcorruption.org/publications/all-publications/conferences/104-tunis-workshop-presentation-m-mbodj-marches-publics-et-defence-nationale>

## **Historique sur la gestion de la commande publique avant la réforme de 2007**

Le cadre normatif: cadre régi par le décret 2002-550 du 30 mai 2002

- Une commande publique réglementée par décret du président et non une loi.
- Une commande publique totalement remise en cause par les dérogations apportées au code des marchés surtout au profit des sociétés nationales donnant la possibilité à ces entêtées de passer des marchés sans respecter le code.
- Une abondance de gré à gré non encadrés surtout dans les commandes relatives à la sécurité et à la défense nationale.
- Des consultations effectuées à domicile pour l’autorisation des marchés: le cas des chantiers de Thies.
- Une abondance de modification des contrats de marché surtout après la réception des fournitures, travaux ou services.
- Une abondance de gré à gré non encadrés surtout dans les commandes relatives à la sécurité et à la défense nationale.
- Des consultations effectuées à domicile pour l’autorisation des marchés: le cas des chantiers de Thies.
- Une abondance de modification des contrats de marché surtout après la réception des fournitures, travaux ou services.
- Aucune visibilité sur la commande passée annuellement du fait d’un manque de planification qui remet entièrement en cause le principe de l’accès à l’information.
- Absence de moyens de recours pour contester en cas éviction dans la passation sauf devant le juge ( problème de délais).

### Cadre institutionnel

- Centralisation de la commission de dépouillement pour tous les marchés qui constitue une lourdeur dans la procédure de passation.
- Domiciliation de la commission chargée d’autorisée les marchés au niveau de la présidence.
- Absence d’organe non juridictionnel pour recevoir les recours des soumissionnaires.
- Absence d’organe de régulation du secteur des marchés publics.
- Absence d’organe chargé du contrôle technique des dossiers d’appel d’offre avant l’exécution du marché

Elle est effectuée sous l’impulsion de la réglementation communautaire, notamment:

- La directive n°2005-04/CM/UEMOA du 09 décembre 2005 portant procédure de passation, d’exécution et de règlement des marchés publics et des délégations de service public dans l’Union Economique et Monétaire Ouest Africaine. Et,
- La directive n°2005-05/CM/UEMOA portant contrôle et régulation des marchés publics et délégation de service public dans l’Union Economique et Monétaire Ouest Africaine

Dispositif législatif national:

- Transposition des deux directives citées en dessus par la loi n°2006-16 du 30 juin 2006 portant modification du Code des Obligations de l'Administration qui n'a pas été touché depuis 1965.

Dispositif réglementaire national:

- Décret 2007-545 du 25 avril 2007 portant code des marchés publics.
- Décret 2007-546 du 25 avril 2007 portant organisation et fonctionnement de l'autorité de régulation des marchés publics.
- Décret 2007-547 du 25 avril 2007 portant création de la Direction centrale des marchés publics.

### **Innovation de la nouvelle réglementation de la commande publique**

Mise en place d'un organe chargé du contrôle a posteriori: ARMP.

- Composition tripartite:
  - Etat: trois représentants
  - Secteur privé (patronat): trois représentants
  - Société civile ( Forum Civil): trois représentants
- Mandat des membres: trois ans une fois renouvelable.
- Pouvoirs:
  - Conseils aux acteurs du secteur des marchés publics.
  - Recommandations aux autorités contractantes.
  - Audits de toutes les autorités contractantes sans exception (même la présidence de la république)
  - Mise en place d'une Direction centrale des marchés publics (DCMP) logée au ministère des finances chargée d'effectuer un contrôle a priori sur la passation des marchés publics.
  - Elle donne son avis conforme sur les dossiers concernant les marchés susceptibles d'être passés par entente directe dans liés à la sécurité et à la défense nationale.

Nouveau dispositif juridique.

- Suppression des règles dérogatoires.
- Limitation des marchés passés par entente directe.
- Encadrement des marchés passés par entente directe.

### **Le cas spécifique des marchés relatif à la défense nationale**

- Marchés difficiles d'accès du fait de la réglementation sur « les renseignements, objets , documents, procédés, intéressant la défense nationale et le Sécurité surtout quand ils portent la mention « très secret » « secret » ou « confidentiel ».

### **Des commandes tant soit peu encadré par le code des marchés.**

- Sollicitation de l'avis de la DCMP pour éviter les abus sur le caractère secret ou confidentiel des information contenues dans le marché.
- contrôle des prix de revient au moment de l'exécution pour éviter les surfacturation.
- Impossibilité de procéder automatiquement à l'entente en invoquant la sécurité ou la souveraineté nationale. Voir décision comité de règlement des différends de l'ARMP.
- Impossibilité d'auditer ces marchés.
- Seule l'inspection générale d'ETAT a accès à ces marchés.

### **Recommandations**

- Renforcer l'indépendance de la DCMP
- Renforcer la sécurité des membres de la DCMP et l'ARMP.
- Encourager l'Inspection Générale d'Etat à partager ses résultats d'audit sur les marchés passés par entente directe liés à la sécurité et à la défense nationale avec les membres du Conseil de régulation des marchés publics pour garantir un minimum de transparence

- Assurer une formation continue aux membres des cellules de passation des marchés des autorités contractantes, surtout ceux des ministères des forces armées et de l'intérieur.
- Revoir les conventions d'armement avec la France pour éviter le monopole dans le marché international.

Thank you.

# RECOMMENDATIONS

## **A. Recommendations for Nations and regional defence organisations to consider**

### **Nations and regional defence organisations should:**

1. take note of the expertise developed in this important area of building integrity and reducing corruption risks in defence and security and actively share and benchmark information across borders
2. seriously consider establishing a training course for senior officers and officials on this topic at appropriate levels in their existing defence academies, modelled on the new curriculum that is being developed
3. build capability and capacity in their existing defence academies so as to be able to improve integrity and reduce corruption risk in their own armed forces
4. conduct surveys assessing the corruption perception of their defence establishments to determine the level of public confidence
5. involve their regional defence industry and contractors in integrity measures to develop ethics programmes and ensure their implementation
6. involve national civil society organisations in developing and monitoring integrity building measures and procurement processes and implementation, acting as independent assessors
7. Nations and regional defence organisations, possibly in collaboration with other interested nations, could identify, promote and launch a standard for promotion of integrity in defence procurement. Such guidance would consider elements such as:
  - a. justifying spending in relation to policy on national security
  - b. independent (civil society) assessment of procurement
  - c. auditing procurements at the point of purchase
  - d. corruption in operational and urgent operational requirements
  - e. corruption risks in direct procurement, when there is no competition or ongoing need to use one contractor
  - f. ensuring defence procurements should be subject to parliamentary expenditure and oversight processes
  - g. off-budget purchases

## **B. Recommendations to the conference organisers (AFDB, TI, AU and DFID)**

8. That a follow-up workshop be organised in 12 months time, preferably in Addis Ababa (for reasons of proximity to the AU), so as to build momentum and broaden awareness

## **C. Recommendations for the African Union to consider**

9. As part of the AU curriculum on countering corruption, the AU should establish a programme on awareness of corruption risks involved in defence and security across African nations and perhaps utilise the Peer Review Mechanism for this purpose
10. The AU should consider bringing a resolution to the next AU Summit to establish a pilot programme on Building Integrity and reducing corruption risks in defence and security
11. Given the extensive activities of NATO in the area of 'defence institution building', which are not well published in Africa or indeed outside NATO, we recommend that the AU Peace and Security engages with NATO in order to appraise itself on the work NATO does and its benefits. The AU thus should invite the leaders of this work in NATO – both Trust Fund nations and International Staff - to speak to at the AU

12. Explore with NATO how the AU could take the following of the recently developed anti-corruption tools and disseminate them in Africa:
  - a. The training course on 'Building integrity and reducing corruption risk' and implement it in one or more defence academies in Africa. A first step in this direction would be for a NATO visit to the AU to hear from the officials of this initiative on its merits and mechanics
  - b. The 'Integrity Self Assessment Process for Nations'. Volunteer nations could be encouraged to apply this process and participate in a peer review visit to the nation that follows completion of the questionnaire
13. The AU should seek support to establish a Centre for Building Integrity and reducing corruption risk at an existing defence college or academy in Africa
14. The AU could consider seeking support to develop an international regulatory framework and best practices, which defines roles and responsibilities of defence companies, governments, intermediaries and agents, and civil society and media in defence procurement in Africa

#### **D. Recommendations for the African Development Bank to consider**

15. Given the already strong involvement of the AFDB in programmes that improve governance, the AFDB, together with its major development partners, should consider extending its attention to improving governance in the defence and security sector, specifically on ways to build integrity and to reduce corruption risks
16. The AFDB and Africa's development partners should support the recommendation that the AU creates a first centre for excellence in Building integrity in defence and security establishments at an existing Training centre in Africa
17. Given the significant role of the SSR programme of the AFDB and its development partners such as DFID in providing budget support and their leverage on budget decisions, call for further guidance on tackling corruption in defence expenditures in their budget reviews and dialogue. This could take the form of developing a simple tool to aid those responsible for budget support
18. Raise awareness among its member states on the issues related to corruption in the defence sector

#### **E. Recommendations for NATO to consider**

19. Given the positive reception at this workshop to the defence integrity tools developed by NATO, and to the lack of knowledge of the defence institution building work of NATO, and to the deep knowledge among African nations of other ways to strengthen defence institutions, NATO could extend an invitation to engage the AU and AFDB for collaboration on this subject
20. Similarly, NATO should consider hosting workshops with its Mediterranean Dialogue nations and with those nations in the Istanbul Cooperation Initiative, at which these new tools should be discussed and could be enhanced by expertise from those nations
21. Participants encourage NATO to do more in spreading awareness of some of their constructive defence institution building initiatives, as these are completely unknown in Africa

#### **F. Recommendations for DFID to consider**

22. We recommend that DFID take note of the strong cross-Africa support for this initiative in improving governance and the rule of law through tackling corruption in defence and security, and consider supporting some of the specific initiatives identified above, including in cooperation with other donors and development agencies

23. We recommend that DFID build on the success of this ground-breaking workshop by supporting a larger such workshop in twelve months time. We also recommend that DFID consider ways to support this event becoming the precursor of an annual workshop on good practices
24. DFID should initiate a project to explore the role of agents and intermediaries in corrupting defence procurement arrangements in Africa, and propose practical measures to address this problem
25. Given the support for increased transparency in the defence and security sector, DFID and the conference organisers should consider how a defence transparency initiative – similar to the ‘Extractive Industry Transparency Initiative’ could be productively developed and launched in Africa. One possible focus could be on the transparency of agents and intermediaries

#### **G. Recommendations for Transparency International to consider**

26. Work across the TI network in Africa, and with other African NGOs, to strengthen involvement and capability in engaging with the defence and security sector in African nations
27. Conduct research on the corrupt use of agents and intermediaries in Africa in order to better develop advocacy and reform measures.

#### **I. Recommendations to Civil Society**

28. The workshop participants strongly recommended that African Civil Society Organisations take note of the potential for constructive engagement with defence and security establishments and engage with them accordingly.

#### **H. Recommendation for the UN Peace Keeping Operations**

29. Take note of the positive African support for this work, and implement integrity building and defence risk reduction in one peace keeping mission in Africa as a pilot scheme.

## TOPICS FOR FURTHER DISCUSSION

1. Can and should we develop an international regulatory framework through the African Union, which defines roles and responsibilities of defence companies, governments, intermediaries, agents?
2. What can be done to build capacity of institutions in defence integrity building and counter-corruption?
3. How should we strengthen institutions against corruption when this weakens politicians?
4. How can the transparency of procurement procedures be strengthened?
5. How can the (corrupt) role by agents in defence procurement be analysed? Who can do what on this topic?
6. What can we (nations, Transparency International, the African Union, and the African Development Bank) do to increase awareness and education on defence counter-corruption?
7. How can governance be improved through including defence and running ethics and counter-corruption courses in defence colleges?
8. How to address increased corruption in operational and urgent operational requirements?
9. How do we influence / improve the African Peer Review process in defence counter-corruption?
10. How can the African Union use this workshop to catalyse action?
11. How can we advance the idea of establishing “Centres of Excellence” on defence counter-corruption, and who could do this?
11. How to address the “Elder” paradigm (“They are always right”) and develop the culture of a right to question?
12. How do we encourage more audits of military spending?
13. How can the African Development Bank use this workshop to catalyse action?
14. How can we develop better safeguards into direct procurement against corruption?
15. How to strengthen parliamentary oversight of defence?
16. Do you focus on high profile “big fish” prosecutions to demonstrate commitment?
17. Can we develop a requirement for new Defence Ministers / Presidents not to have bank accounts overseas?
18. Can we promote Integrity Self-Assessment in each country? Can we develop this into an index?
19. Should we extend our focus to intelligence service?
20. How can the African Development Bank raise the profile / issue of off-budget defence spending?
21. Should we put more focus on export controls corruption?

# LINKS TO PRESENTATIONS AND PUBLICATIONS

The following presentations and publications can be downloaded from the website of the Transparency International Defence Programme:

## PRESENTATIONS

Available at [www.defenceagainstcorruption.org/index.php/tunis-conference-2009](http://www.defenceagainstcorruption.org/index.php/tunis-conference-2009)

- **Nigel Hall**
- **Professor Kolawole**
- **Mouhamadou Mbodj**
- **Mark Pyman**
- **Alan Waldron**
- **Ishola Williams**
- **Maciej Wnuk**

## PUBLICATIONS

Available at [www.defenceagainstcorruption.org/index.php/publications](http://www.defenceagainstcorruption.org/index.php/publications)

['Building Integrity and Reducing Corruption Risk in Defence Establishments: Ten Practical Reforms'](#)

Mark Pyman, Transparency International, May 2009

['Ethics and business conduct in defence establishments - the improvement of national standards'](#)

Ben Magahy and Mark Pyman, Transparency International, March 2009

['Defence Corruption Risk in Sub-Saharan Africa'](#)

Ben Magahy, Dominic Scott, and Mark Pyman, with contributions from Keith Hartley, Susan Willett, and John Hudson and Phillip Jones, Transparency International, March 2009

# LIST OF PARTICIPANTS

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