



**11TH SESSION OF THE WORKING GROUP ON THE PREVENTION OF
CORRUPTION**

BOTSWANA SUBMISSION

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VIENNA, AUSTRIA

The Government of Botswana is committed to the fight against corruption. The President of Botswana, His Excellency Mokgweetsi Masisi has vowed to fight corruption and has implored the relevant organization's to effectively enhance their strategies and efforts in the fight against Corruption.

Lack of political will in Africa is a mammoth obstacle in the fight against corruption and as Botswana, it has become a country priority to reduce, to strengthen and enhance organizational mandates to achieve effective, accountable and inclusive institutions at all levels as per Sustainable Development Goal 16.

His Excellency Mokgweetsi Masisi, The President of Botswana, said at his inauguration in November 2019 *"We cannot hope for neither service delivery nor achieve any of our national objectives if our institutional frameworks are not robust, transparent, and accountable and free from corruption. Therefore, I wish to emphasize that my government will put in place measures and mechanisms through the application of best practices of good governance to ensure that corruption is defeated,"*.

On the list of the President's priority areas, corruption ranks second after job creation. This comes as testimony to his commitment in ensuring that Botswana continues being regarded as one of the least corrupt nations in the world.

Our country has full political will through the current President's roadmap as also seen with a number of high profile cases being brought before the courts of Law.

As a member State to the United Nations Convention Against Corruption, the Government of Botswana will continue to address peer review recommendations in an effort to align its laws and policies with best practices. The Government has formulated and amended a few Statutes in order to domesticate the Convention.

Proceeds and Instruments of Crime Act

The Proceeds and Instruments of Crime Act was enacted into law in 2014. The Act, which repealed the Proceeds of Serious Crime Act, seeks to deprive persons convicted of crimes of the benefits gained from such crimes as well as deprive persons of property suspected to be proceeds of crime. It has brought about significant shift in the law as it introduced the non-conviction based forfeiture which basically provides for the seizure and forfeiture of proceeds of crime without the need for a criminal conviction. Following the coming into effect of the Act, the Asset Forfeiture Unit (AFU) was formally established within the Directorate of Public Prosecutions (DPP), in 2015. The Proceeds and Instruments of Crime Act has amongst other things, established the Office of the Receiver who is the custodian of property in his possession in respect of an order made under the Act. Furthermore, in accordance with Section 68, the Minister has established the Confiscated Assets Trust Fund to which all the money paid under the Act is paid into. Since establishment, the Office of the Receiver has received final orders for the forfeiture of property and funds totaling USD 11 000.00 whilst there are interim orders for the restraint of property and cash valued at USD 9.6 million.

Corruption and Economic Crime Amendment of 2018

International cooperation is undeniably key in the fight against corruption. Money laundering tends to involve different jurisdictions hence it is crucial to have legislation that allows for the swift cooperation between States. The Corruption and Economic Crime Act was amended in 2018 to allow the Directorate on Corruption and Economic Crime to share information with their counterparts in foreign countries.

Whistleblowing Act

The Whistleblowing Act came into operation in December 2016. The aim of the legislation is to protect whistleblowers as well as encouraging individuals to refrain from giving anonymous reports with fear of victimization. This legislation is driven by eight governmental institutions and parastatals. Implementation of the legislation has been rather challenging and as a result it is currently under review. We are therefore open to any technical assistance from the Secretariat and other states in this regard.

Declaration of Assets and Liabilities Act, 2019

The Declaration of Assets and Liabilities Act was enacted in 2019. The Act provides for the declaration and monitoring of interests, income, assets and liabilities of specified persons with the intention of preventing and detecting corruption, money laundering and acquisition of property from proceeds of crime. Section 3 of the Act provides the list of persons it shall apply to and this include amongst others the President and the Vice President. Any person subject to this Act is required to declare for five years after they cease to hold office. The Act further establishes Ethics and Integrity Directorate which

shall ensure appropriate processing of assets and liabilities for all public officials, especially in corruption prone areas and all those holding political offices. The Directorate is required to verify declarations to determine any significant and unjustified changes in the assets and liabilities of the declarant; if during the analysis they are of the opinion that an offence could have been committed, they can refer the matter to the responsible law enforcement agency. The Directorate's independence is guaranteed by Section 4(4).

Anti-Money Laundering Unit

In 2019, the Directorate on Corruption and Economic Crime in its endeavor to tackle money laundering and other related crimes, established the Anti-Money Laundering Unit. The Unit is made up of highly experienced personnel who have been involved in high profile cases.

Monitoring and Evaluation Unit

The Directorate continues to focus on implementing strategies in place which aim at enhancing the Country's efforts in the fight against Corruption. One such strategy is the introduction of the Monitoring and Evaluation Unit which aims at improving performance and achieve organizational results. Its goal is to improve current and future management of outputs, outcomes and impact. In future, the DCEC will develop this unit to cover implementation of National and International projects on Anti- Corruption.

Employment of experts

The Directorate on Corruption and Economic Crime currently recruits highly experienced experts in areas such as Engineering, Finance /Accounting, Risk Management, Anti- Money Laundering (AML), Monitoring and Evaluation as well as Quality Assurance. In addition to this, the Directorate conducts on the job training for its officers as well as through the Common wealth Africa Anti-Corruption Center (CAACC) based in the Country. These training are meant to equip officers with the relevant knowledge needed for the roles undertaken.

Corruption Prevention

In ensuring that effectiveness of Anti- Corruption bodies within the country, the Whistle blowing Legislation mandates the bodies to effectively ensure disclosures are made in order to assist the Directorate and other stakeholders to effectively achieve their mandate.

Botswana as a country has managed to set up decentralized Corruption Prevention Programs. For example, each Ministry and Parastatals have Corruption Prevention Committees and Anti-Corruption Units which drive these internal strategies. These strategic partnerships aim at mainstreaming anti-corruption interventions within the public and private sector along with the wide government initiatives to ensure prudent public affairs management. This is done through signing of various memoranda and partnerships which aim to enhancing implementation of anti- corruption programmes.

In pursuance of Articles 12 & 13 of United Nations Convention Against Corruption and Articles 11 & 12 of the African Union Convention on Preventing and Combating Corruption, strategic collaborations have been fostered and strengthened with both the private sector and civil society over the years through deliberate programmes, by specific sectors and jointly with the focal national point in the fight against corruption, the Directorate on Corruption and Economic Crime. This partnership with the civil society has been enhanced through a formal agreement, Memorandum of Understanding, which seeks to broaden community participation in the fight against corruption to promote democracy, good governance and rule of law as per the country's national Vision of 2036.