



**TRANSPARENCY INTERNATIONAL SIERRA
LEONE**

PRIVATE SECTOR ENGAGEMENT PROJECT REPORT



SUBMITTED TO:

**THE UNITED NATIONS OFFICE ON DRUGS AND CRIME
(UNODC)**

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TABLE OF CONTENT	PAGE
Background	3 – 4
Project Objectives	4
Project Activities	5 – 15
Project Outcome	16
Challenges	16
Recommendations	17
Conclusion	18
Annex	19 - 49

Background

Corruption is widespread in the Sierra Leonean society and the private sector is no exemption. It take place at all levels of this sector from obtaining licenses, to payment of custom dues, taxes ,sales, business registration and issuing of receipts. Some corruption offences are committed knowingly and deliberately for personal or corporate gain. Some offences are committed reluctantly in the belief that it is necessary to undertake these practices in order to remain competitive, or in order to combat the corrupt practices of others. Some offences are committed in the erroneous belief that these practices are normal business acts and do not constitute criminal offences.

Moreover, many business enterprises particularly indigenous enterprises in the private sector in Sierra Leone fail to recognize corrupt situations or, if they do recognize them, fail to appreciate the risks of becoming involved in corruption. It is important to note that whatever the apparent commercial or other justification for activities involving corruption, they nevertheless constitute criminal offence for which a number of persons or businesses are liable. The consequences of an individual or business being involved in corruption, whether directly or indirectly are serious and lead to damage of reputation, financial loss and/or debarment of any business entity. Worst still, indigenous businesses and people manning those businesses have little knowledge of what constitute corruption, its legal frameworks and how to prevent it when confronted with it in both individual and business lives. Consequently, they regard corruption as a normal way of life.

For a country that has one of the strongest anti-corruption laws in Africa, but could not control the behaviours of its citizens towards corruption requires more engagement as well as education on anti-corruption with those sectors of society that are considered prone and vulnerable to corrupt practices. It is evident therefore from the above that the damage caused by corruption in terms of loss, particularly in the private sector, has become a concern and therefore, all efforts must be made to eliminate corruption in that sector as provided for by the UNCAC for collaboration.

The project activities created a first time opportunity for collaboration among different stakeholders, increased knowledge of the UNCAC and the national legal framework for anti-corruption and anti-corruption education and prevention in the private sector in Sierra Leone.

This project targeted small scale business entrepreneurs. This area of the private sector includes a large percentage of women dropped out from school and immigrants from neighbouring countries. They are the frontline providers of goods and services and; therefore faces a lot of corruption challenges both in doing their normal business and their interaction with government officials like the police, custom and procurement officers. They often pay bribes and commit others corruption related offences, directly or indirectly, without knowing. The project activities therefore enable them to know the skills and knowledge to fight corruption, know the legal framework of anti-corruption. The project also provided adequate awareness raising and

sensitization of the UNCAC and the holistic fight against corruption between civil society and the private sector.

In undertaking these activities, TI-SL cooperated with an umbrella organization governing the interest of Sierra Leonean small scale businesses called the Sierra Leone Indigenous Business Association (SLIBA). SLIBA is a coordinating agency for small scale businesses and advocate on behalf of its membership for fair trade, competition and reduced harassment from government institutions or officials in relation to high and illegal duty fees, customs and fair competition.

Project Objectives

- To foster engagement between civil society and the indigenous business in the fight against corruption
- To increase the anti-corruption mind set amongst indigenous business people
- To reduce the risks of business closure and bribery in indigenous businesses
- To strengthen mutual understanding between civil society and the indigenous business community in the fight against corruption
- To promote ethical behaviours in small business promotion
- To increase knowledge on the UNCAC and anti-corruption legal framework in Sierra Leone

Project Activities

Dialogue Session with Small Scale Business Entrepreneurs

In order to enhance cooperation and collaboration among members of the private sector in curbing corruption in that sector and to identify daily issues of corruption they face in their daily businesses, a one day dialogue session was organized. This session was attended by Small Scale Business Entrepreneurs, private contractors, the media and civil society. The discussions was centered on corruption and anti-corruption generally, efforts made by the country so far in the fight against corruption, corruption faced by the business community and possible ways of addressing them.

In order to ensure the full participation of participants in discussing these issues the facilitator divided them into two broad groups. Group one was made up of the representatives of the Sierra Leone Contractors Union, and group two was made up of the Sierra Leone Indigenous Business Association representatives that include small business entrepreneurs. The civil society and media representatives served as observers in the various groups.

At the end of the group discussions, the following were identified as corruption challenges and possible actions to address them.

Group One (Contractors) – Corruption Challenges

- Illegal increase of taxes by customs officers especially those at boarder crossing points
- The request for a 10% kickback by public officials before the award of contracts
- Lack of proper complaint mechanism
- Little protection for corruption whistle blowers
- Contractors not courageous enough to report officials demanding bribes

Recommendations

- Proper monitoring of boarder custom officers
- The establishment of service charters in public institutions
- Serious action should be taken against any official demanding bribe
- Contractors should be bold enough to report officials demanding the 10 % kickback



Members of one of the groups during the group work session

Group Two (Business Entrepreneurs) – Corruption Challenges

- Heavy tax levies
- Government interference on the price system of consignee goods
- Undue delay in the processes involved in the clearing of goods at customs
- Lack of proper monitoring mechanisms to ensure the effective implementation of customs regulatory frameworks
- Unlawful charges in the registration of businesses

Recommendations

- Review of existing regulatory frameworks that create room for corrupt practices
- Proper monitoring of boarder custom officers
- The establishment of service charters in public institutions

- Institution of proper monitoring mechanisms to ensure effective implementation of business regulatory frameworks



A member of one of the groups presenting their findings

Capacity Building Training on Ethics, Anti-Corruption and the UNCAC

In a bid to further strengthen the knowledge base/capacity of the private sector, a one day capacity building training was organized for Small Business Entrepreneurs on ethics, anti-corruption, the United Nations Convention Against Corruption (UNCAC) and the legal instruments that guide the fight against corruption in Sierra Leone.

The meeting started with an opening ceremony where the Executive Director of Transparency International Sierra Leone welcomed participants and reiterated the importance of the training. She encouraged the participants to be frank and sincere during the deliberations as the issue of corruption is seriously affecting the growth and development of the private sector especially small scale businesses and consequently national development process. Therefore the full involvement of the private sector in the fight against corruption will go a long way in

reducing corruption, enhance service delivery and ensure a viable and sustainable national development.



Giving the overview of the project, the Project Coordinator emphasized the fact that corruption is endemic in Sierra Leone and that if we are to succeed as a country in the fight against corruption all must come onboard and join the fight. The private sector he said most of the time colludes with the public sector to perpetrate corruption. As such, if the private sector imbibe anti-corruption principles and do business with utmost integrity and sound ethical values corruption and corrupt practices will be drastically reduced. He further expressed profound gratitude to the United Nations Office on Drugs and Crime (UNODC) for initiating this project and providing the funds for pilot a phase.

After the opening ceremony, the training started in earnest. It took the form of power point presentation and plenary discussions. Various presenters did presentations on various topics.

The first presentation was on the topic; **“Cooperation and Collaboration between Civil society and Private Sector to Curb Corruption in Sierra Leone”** This presentation was done by Mr. Thomas Babadie a Civil Society Activist. In his presentation Mr. Babadie covered the following:



- Definition of corruption
- Causes of corruption
- Types of corruption
- Forms of corruption
- Effect of corruption
- Overview of corruption in Sierra Leone
- Areas of collaboration between civil society and the private sector

The second presentation was on the topic; **“The Role of Private Sector in Curbing Corruption in Sierra Leone”** It was done by Mr. Shollay Davies Director of Public Education an the Sierra Leone’s Anti-Corruption Commission. In his presentation, Mr. Davies covered the following:



- Definition of corruption
- What constitute the private sector
- Effects of corruption
- Impact of international legislature on corruption in business
- Enforcement of national legislators
- What can the private sector do to combat graft
- General guide to businesses in combating graft
- Transparency International Principles for countering bribery

Discussions



A participant making a point during the discussion

During the discussion that followed the presentations participants sort clarification on the issue of gift taking. They wanted to know if accepting a gift is tantamount to bribery which is a corrupt practice. In response, the presenter made it clear that there is nothing wrong in accepting gifts but one must be mindful of the quantum of gift received. He further said that some institution have established a policy where their staff should not accept gifts exceeding Le. 500,000. In addition, this should be disclosed to the office. Furthermore, there was an intense debate on what criminal acts are punishable under the Anti-Corruption Act and those that are not. After the debate, through the guidance of the facilitator participants agreed that for a crime to be punishable under the Anti-Corruption Act the accused must occupy a public office or must be acting on behalf of the public. Secondly, the accused must have also abused that office or privilege for personal or selfish reasons. Another concern raised by the participants is the issue of whistle blower protection. This they say is crucial in the fight against corruption as people will feel more secured to blow the whistle on corrupt acts. They also claimed that the current Anti-Corruption Act does not make provision for full protection of whistle blowers as there are cases of some

individuals being victimized and intimidated by corrupt officials. According to a representative from the Sierra Leone Contractor's Union, many a times they are asked by some public officials to pay 10% of the total amount of a contract cost before the contract would be awarded to them even if they are over qualified to do the job. But no contractor will ever dare to report a corrupt public official because if he does, that contract will be blacklisted and will never ever win a public sector contract. As a result there is the need for a Whistle Blower Protection Law in Sierra Leone.

The third presentation was on the topic; **“An Overview of the United Nations Convention Against Corruption”**. This presentation was done by Mr. Nabillahi Musa-Kamara Director National Anti-Corruption Strategy (NACS) at the Sierra Leone Anti-Corruption Commission (ACC). In his presentation Mr. Kamara covered the following:



- Corruption and its effect in Sierra Leone
- What is the United Nations Convention Against Corruption (UNCAC)
- UNCAC implementation guide

- Benefits of the UNCAC implementation guide
- Contents of the UNCAC

Discussions

Participants raised the concern that anti-corruption cases take a very long time in court and this undermines the efficiency of the Anti-Corruption Commission (ACC). After a lengthy deliberation on this issue, the participants came to the conclusion that it is very much expedient to set up special court for corruption cases with assigned judges. The participants also asked whether those found guilty of corrupt practices before Sierra Leone signed in to the UNCAC in 2005 could have their assets confiscated under the UNCAC provisions. In response the presenter said that this is not possible unless the law makes provision for that and as it is the UNCAC does not make provision for that.

The fourth presentation was on the topic; **“The UNCAC Review Mechanism (Aims, Objectives and Relevance)”**. This presentation was also done by Mr. Nabillahi Musa-Kamara. In this presentation Mr. Kamara covered the following:

- Background of the UNCAC
- Guiding principles of the Review Mechanism
- Aims, objective and relevance of the Review Mechanism

The fifth presentation was on the topic; **“Ethics and Integrity”**. This presentation was done by Mr. Edward B. Koroma Senior Programmes Officer Transparency International Sierra Leone. In his presentation Mr. Koroma covered the following:

- Leadership
- Leadership as compared to headship
- What leadership is not
- What is Expected of Leaders
- Ethical Living
- Relationship between Leadership and Ethics
- Characteristics of an Effective and Ethical Leader
- Ethical Accountability

Discussions

The discussions that followed this presentation focused on the influence of “nature” and “nurture” in producing Good Leaders; the presentation emphasized that leadership is not genetic. Nature has to do with the natural leadership qualities one is born with, and the nature aspect is acquired through leadership skills and knowledge gained through education and interaction. The participants tried to determine which of the two mostly influence leadership. After a thorough debate on the issue, participants came to the conclusion that nurture plays a more significant role

in producing good leaders because one's natural leadership skills is not enough to make one a good leader, but the knowledge and skills one acquires in one's life time contributes immensely in making one a good leader. Thus nurture outweighs nature in terms of good leadership.

The sixth and final presentation was on the topic; **“The Anti-Corruption Legal Framework in Sierra Leone”**. This presentation was done by Mr. Reginald Fynn Director of Investigations and Prosecutions at the Sierra Leone's Anti-Corruption Commission. In his presentation Mr. Fynn covered the following:



- Powers of the Anti-Corruption Commission
 - Investigation
 - Prosecution
- Offences under the revised Anti-Corruption Act of 2008
- Punishment

Development of a Simplified UNCAC Handbook

Sierra Leone ratified the United Nations Convention Against Corruption (UNCAC) in 2005. Since its ratification much has not been done by the government to popularize or raise awareness on its content and the benefit the country stands to gain if it is fully domesticated and implemented. This has limited civil society's advocacy to ensure the full domestication of this convention. This will also limit civil society engagement and meaningful contribution in the ongoing UNCAC Review. It against this backdrop that Transparency International Sierra Leone (TI-SL) under this project developed and distributed a reader friendly handbook on the UNCAC in the western urban area of Freetown the capital of Sierra Leone.

Radio Discussion Programmes

Recent studies in Sierra Leone have proved that radio is one of the most effective ways of disseminating information. Over 85% of Sierra Leoneans rely on the radio for information. In view of this, TI-SL conducted a total of five radio discussion programmes to raise public awareness on the UNCAC and private sector corruption related issues. In each of the programmes, panelists were invited from mainly the private sector and other stakeholder institutions to discuss the issues. During the discussion, the listening was given the opportunity to lend their voice to some of the issues discussed by way of making telephone calls or sending text messages. Some of the topics discussed during the radio programmes were as follows:

- The Causes and Effect of Corruption on Socio-Economic Development of Sierra Leone
- The Importance of International Legal Instruments and Cooperation in the Fight Against Corruption
- The Components of the UNCAC and its Review Mechanism (The Role of Various Stakeholders)
- Challenges Faced by the Anti-Corruption Commission in the UNCAC Review Process
- The Role of the Private Sector, Civil Society and the Media in Curbing Corruption

Development of Jingles and Posters

To further raise awareness of the public on private sector corruption, TI-SL developed a jingle and four different types of posters portraying messages about the role of the private sector in the anti-corruption campaign. The inscriptions on the posters were done in English and were distributed among members of the Sierra Leone Indigenous Business Association (SLIBA) and government Ministries, Department and Agencies. The radio jingle was done in Krio (the lingua franca) and aired on radio stations in the Freetown Western Urban Area.

Outcome

This project was a pilot that ran for about three months. Therefore one would find it very difficult to pin-point tangible results as impact made. However, one can be able to pin-point on some tangible outcomes which if followed through and built upon could result to very tangible impacts. Below are some of the outcomes:

- The creation of a platform for the private sector to raise concerns and occasionally discuss issues of corruption they are faced with
- Members of the private sector have committed themselves to be more pro-active in resisting and reporting corruption
- Members of the private sector have become more aware of anti-corruption mechanisms and existing legal frameworks
- The private sector committed themselves to cooperate and collaborate with civil society in addressing corruption issues they are faced with
- The establishment of a Civil Society/Private Sector Anti-Corruption Dialogue Forum
- Increased public awareness of the UNCAC and other anti-corruption legal frameworks
- The Anti-Corruption Commission committed themselves to give continued technical support to subsequent engagements with the private sector
- Increased public awareness on the ongoing UNCAC Review and how citizens can contribute to the process
- Increased public awareness on the importance of the private sector in the fight against corruption

Challenges

- The funds made available for the implementation of this project was too small for the activities to fully achieve their objectives
- Changing the mindset of Sierra Leoneans the fight against corruption is not only limited to the public sector but also includes the private sector was a serious challenge
- Getting business people to attend meetings for a full day was also a very serious challenge

Recommendations

Despite the above mentioned outcomes on the project implementation, TI-SL would like to proffer the following recommendations to ensure sustainability of the outcomes and a realization of long-term tangible impacts.

- An extension of this pilot project into a full blown project that will be implemented nationwide targeting members of the private sector in the remaining 12 districts of Sierra Leone
- The translation of the radio jingle in various local languages to ensure that the message reaches the least Sierra Leonean
- To broadcast the jingle nationwide through the use of Community Radio Stations
- The printing of additional posters and handbooks for nationwide distribution

Conclusion

Engaging the private sector in the fight against corruption is a step in the right direction as members of this sector often collude with the public sector to perpetrate corruption. Members of the public sector often demand and receive bribes while members of the private sector pay the bribe. In such a situation both sectors are corrupt. However, in the fight against corruption the spot light has mostly been turned to the public sector. One reason for this one would say is the generally accepted definition of corruption – “the abuse of public office for private gain”. But with the adoption of other international anti-corruption laws like the United Nations Convention Against Corruption (UNCAC) the spot light has been also turned to the private sector as key actors in the perpetration of corruption. Thus if we are to succeed in the fight against corruption the private sector must be fully engaged.

The initiation of this project by the United Nations Office on drugs and Crime is a very laudable venture. In Sierra Leone, private sector corruption is very much alarming and on the increase especially with international construction and mining companies. However, TI-SL decided to start its intervention on the private sector with Small Scale Businesses as a convenient entry point. Later with the availability of huge funds we target big corporate companies.

Annex

1. Training Workshop Presentations

THE ROLE OF THE PRIVATE SECTOR IN CURBING CORRUPTION IN SIERRA LEONE

WHAT CONSTITUTE THE PRIVATE SECTOR

- ANY BUSINESS THAT IS OUTSIDE DIRECT GOVERNMENT CONTROL
- A BUSINESS OR ORGANIZATION OWNED BY A PRIVATE INDIVIDUAL OR GROUP(S) OF INDIVIDUALS
- A BUSINESS/COMPANY WHOSE SHARE HOLDERS ARE SEPARATE FROM GOVERNMENT
- A BUSINESS WITH LESS THAN 25% GOVERNMENT SHARE HOLDING

CORRUPTION IN ORGANIZATIONS

- The term "CORRUPTION" has many different meanings, but it generally entails misusing one's position for private gain or an unauthorized end.
- It involves financial or monetary and non-monetary benefit
- **Acts of corruption:** As specified in the ACA 2008
- **Bribery, extortion, influence peddling, nepotism, and theft** are all forms of corruption.
- **Influence peddling** is the illegal practice of using one's influence in government or connections with persons in authority to obtain favours or preferential treatment for another, usually in return for payment.

The word *nepotism* is from the Latin word Nepos meaning "nephew" *Nepotism* is favouritism granted to relatives or friends, without regard to their merit.

EFFECTS OF CORRUPTION

- Corrupt practices increase risks (Reputation, fines, imprisonment, debarment) and costs to businesses, damage investor confidence, and stifle growth.
- Eventually, these activities can distort the organization's allocation of resources, undermine its legitimate business practices, and even lead to bankruptcy.
- Bribery and corruption undermines good governance, erodes the rule of law, distorts competitive markets, and hampers economic growth

IMPACT OF INTERNATIONAL LEGISLATIONS ON BRIBERY AND CORRUPTION IN BUSINESS

- **FCPA**

- The Anti-bribery provisions makes it unlawful to make a corrupt payment to a foreign official for the purpose of obtaining or retaining business
- Books and records and internal controls in accordance with accepted accounting principle must be kept
- Potentially applied to all: parent or subsidiary firms, agents etc.
- Severe penalties for violations of the anti-bribery provisions

Major Enforcement

- Siemens A.G (Germany) \$800 million-2008
- KBR/Halliburton(USA) \$579 million-2009
- BAE(UK) \$400 million in 2010
- Snamprogetti Netherlands B.V./ ENI S.P.A (Holland/Italy) \$365 million-2010
- Technip S.A. (France) \$338 million
- W/A-Benin, Baurkina Faso, Equatorial Guinea, Gambia, Liberia, Ghana, Gambia, Nigeria

IMPACT OF INTERNATIONAL LEGISLATIONS ON BRIBERY AND CORRUPTION IN BUSINESS

- **THE UK BRIBERY ACT 2010**

- The UK Bribery Act created a strict liability on companies for failure to prevent bribery
- A company is strictly liable if its agents bribes a public official in order to obtain or retain business, unless the company can show that it had “**adequate procedures**” in place to prevent bribery
- **Adequate Procedures**’ refers to a company’s anti-corruption compliance programme
 - Have procedures that are proportionate to risks
 - Top level management show commitment to compliance programme

- Regularly assess its risks
- Perform due diligence on its partners
- Communicate anti-corruption policies and procedures widely
- Monitor and review the procedures

ENFORCEMENT OF NATIONAL ANTI-CORRUPTION LAWS

- Most countries have undertaken corruption prosecutions of domestic public officials
 - Most have involved low level officials
 - Some have involved high level officials
- Only few countries have undertaken corruption prosecutions of multinational corporations

SIERRA LEONE ACA 2008

- Giving and receiving of advantage by or for a public official is an offence
- Bid rigging is an offence
- Manipulation of a public auction is an offence
- Influence peddling

WHAT CAN THE PRIVATE SECTOR DO TO COMBAT CORRUPTION IN BUSINESS?

JOINT AfDB/OECD INITIATIVE (Malawi 14/01/2011)

CAUSE OF ACTION 1-COMBATING BRIBERY IN BUSINESS

- Undertake measures for the effective **prevention and detection** of bribery in business transactions(raise awareness, institute reporting mechanism, whistle blowing etc)
- Undertake measures for the effective **investigation and prosecution** of bribery in business transactions(Enactment of laws, strengthening investigation and prosecutorial capacity, mutual legal assistance etc)
- Undertake measures to **prevent bribery and promote integrity** in public procurement (Ensuring transparent procurement process, keeping accurate records, internal controls, external audit, establishment of complaints mechanisms, establishment of adequate sanctions etc)

JOINT AfDB/OECD INITIATIVE (Malawi 2011)

- CAUSE OF ACTION 2-STRENGTHEN TRANSPARENCY AND PROMOTE INTEGRITY IN BUSINESS
 - Undertake measures to promote **corporate integrity and accountability** in business transactions(Institute adequate internal company controls, codes of ethics and compliance programmes)
 - Undertake measures to **deter, prevent and detect bribery** in business transactions(Enforcement of laws, reporting suspicious transactions, enactment of whistle blower protection laws etc)

GENERAL GUIDELINES FOR BUSINESSES

- SET CLEAR CODE OF ETHICS FOR DOING BUSINESS AND COMMUNICATE TO STAFF AND CLIENTS
- CODE SHOULD INCLUDE RULES ON HOSPITALITY, GIFTS, FACILITATION, WHISTLE BLOWING, AND ANTI-BRIBERY
- ABIDE BY ALL APPLICABLE LAWS
- UNDERTAKE COLLECTIVE ACTION

OVERVIEW OF UNCAC

Introduction

- Corruption is an insidious plague that has a wide range of corrosive effects on societies. It undermines democracy and the rule of law, leads to violations of human rights, distorts markets, erodes the quality of life and allows organized crime, terrorism and other threats to human security to flourish.
- This evil phenomenon is found in all countries—big and small, rich and poor—but it is in the developing world that its effects are most destructive.
- Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government's ability to provide basic services.' *Kofi Anan.*

What is UNCAC?

- An acronym: United Nations Convention against Corruption.

- Adopted by the General Assembly resolution 58/4 of 31st October 2003.
- With this adoption, the Convention came into force on 14th December 2005.
- To date over 122 countries have signed up to the Convention; Sierra Leone signed up in 2005.
- The UNODC is the guardian of the Convention and Secretariat to the Conference of State Parties.
- The Convention requires the establishment of a range of offences associated with corruption and devotes a separate chapter to its prevention.
- It also attaches importance to strengthening international cooperation to combat corruption.
- It also makes provisions for asset recovery as well as technical assistance and implementation.

Implementation Guides

- Two critical documents:-
 - *Technical Guide* on UNCAC is designed to promote implementation by highlighting policy issues, institutional aspects and operational frameworks related to the full and effective implementation of the Convention; it focuses on the tools and examples of good practices.
 - *Legislative Guide* is prepared mainly for use by legislators and policy makers in states preparing themselves for the ratification and implementation of the Convention.
- Both complement each other.

Benefits of the Guides

- The Guides provide a consultative framework for national authorities that need to acquire a full understanding of the provisions of the Convention.
- They can be used as helpful basis for more comprehensive technical assistance covering a range of policy and institutional challenges that need to be addressed for full implementation.

- Could jointly be used as part of a comprehensive package of tools aimed at enhancing the knowledge and capacity of stakeholders like anti-corruption agencies, criminal justice and law enforcement agencies.

Contents of the UNCAC – The Statute

The Statute has 8 chapters with a total of 71 Articles. The chapters include the following:

- Chapter 1: General provisions
- Chapter 2: Preventive measures
- Chapter 3: Criminalisation and Law Enforcement
- Chapter 4: International Cooperation
- Chapter 5 : Asset Recovery
- Chapter 6 : Technical Assistance and information Exchange.
- Chapter 7 : Mechanism for implementation
- Chapter 8: Final Provisions.

The Legal Framework for Sierra Leone’s Fight Against Corruption

Powers of the Commission

- Investigate
- Prosecute

Investigation Powers

- Call witnesses
- Request documents
- Arrest and Detain persons
- Bank statements
- Travel Documents
- Restriction Notices

-Search and Seize

-Mutual Legal Assistance

Prosecution

- ▶ **Some of the Offences**
- ▶ Abuse of Office
- ▶ Soliciting Advantage
- ▶ Conflict of Interest
- ▶ Peddling Influence
- ▶ Corrupt Acquisition of wealth
- ▶ Obstruction
- ▶ Aiding and Abetting and Conspiracy
- ▶ Misleading
- ▶ Failure to comply with notices

The UNCAC Review Mechanism

Introduction

- Since its entry into force in 2005, the UNCAC has become a rallying point across the world for efforts to combat corruption. It provides a comprehensive framework to address corruption.
- In 2009, the CoSP to the UNCAC adopted resolution 3/1 entitled “Review Mechanism”.
- It empowers the CoSP to establish any appropriate mechanism or body to assist in the effective implementation of the Convention.
- State parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and non-intervention in the domestic affairs of other States.
- In 2011, Sierra Leone was selected, through the casting of lots, to be reviewed by Benin and Thailand.

Guiding Principles of the Mechanism

- The Mechanism shall:
 - Be transparent, efficient, non-intrusive, inclusive and impartial.

- Not produce any form of ranking
- Provide opportunities to share good practices and challenges.
- Be an intergovernmental process
- Not serve as an instrument for interfering in the domestic affairs of States parties
- Be conducted in a non political and non selective manner.
- Take into account the levels of development of State parties, as well as the diversity of judicial, legal, political, economic and differences in legal traditions.

Aims, Objectives and Relevance

- The review mechanism shall:
 - Promote the purposes of the Convention as set out in its articles.
 - Provide the CoSP with information on measures taken by states in implementation and the difficulties encountered.
 - Helps to identify and substantiate specific needs for technical
 - Promote and facilitate international cooperation, the prevention and fight against corruption and asset recovery.
 - Provide the Conference with information on successes, good practices and challenges of implementation.

Collaboration and Cooperation Between Civil Society and the Private sector in curbing (reducing) corruption.

Background on corruption in sierra Leone

- When the democratically elected government came back from exile they put together a legislation called the Anti Corruption Act was passed into law in 2000 it was used as a medium to indict public officials namely the Minister of Transport now the late and the Minister of Agriculture, despite all this effort when the new government was elected they requested for a review of that document and increase the number of offences to 29 which captures more crimes than that of the former. This act has been used recently to indict and prosecute public officials and they've also been found wanting for heinous crimes committed against the state. Traditionally the definition of corruption is that it concerns the public sector and mainly relates to the fact that government officials are either being corrupt or being corrupted in the performance of their duties through bribery for contracts or favors, “the hand shake, borah” (gifts corrupteth the heart of man). Despite the Anti

Corruption Act of 2000 and the revised Anti Corruption Act of 2008 there has been increase in the menace recently with the indictment of public officials in the current administration especially so when an elected representative was indicted for flouting certain sections of the Anti Corruption Act of 2008.

- Despite effort by the current administration in curbing corruption in the public sector people are still involve in corrupt practices, funds are been cipher from government coffers, there is serious money laundering, procurement processes are still being breached, monies meant for government use are not sent to the consolidated funds on time by some of the Commercial Banks. UNCAC (United Nations Convention against Corruption) which our government has a seeded to in signing we are yet to realize it fruit properly though this convention was an initiative brought up to criminalize corruption.
- Corruption emanates from the private sector they give bribe to get contracts, they are two-faced institutions. Over the years they have been allowed to regulate their activities, they inflate prices at will, have to be checked. Dr Dele Jones a Sierra Leone said the old Sierra Leone had a very poor economy with 10% in the private sector. Then most of the private sector got it revenue from public procurement. If the public procurement process is weak, it encourages private sector to involve in corruption. The money was not used for public interest, and the private sector was both victim and perpetrator
- In the new Sierra Leone the private sector is perpetrator one company alone has added 35% to the countries GDP. The new company has more money than the rest put together, the new problem in Sierra Leone is one of state capture where big individuals companies take away national wealth.

CAUSES OF CORRUPTION

- POOR CONDITION OF SERVICE
- DISHONESTY
- LACK OF KNOWLEDGE
- LACK OF PROPER SYSTEMS

EFFECT OF CORRUPTION

1. POOR ROAD NETWORK.
2. POOR ENERGY FACILITY.
3. POOR INFRASTRUCTURAL FACILITIES.
4. POOR HEALTH FACILITIES.

5. LACK OF BASIC SOCIAL AMENITIES.

6. DECLINE IN EDUCATIONAL SYSTEMS AND STRUCTURES.

WAYS CIVIL SOCIETY ORGANISATIONS CAN COLLABORATE WITH PRIVATE SECTOR TO CURB CORRUPTION.

- STRONG PARTNERSHIP.
- REGULAR COMMUNICATION.
- TRANSPARENCY IN DOING BUSINESS.
- INFORMATION ABOUT TAX STATUS.
- COOPERATE SOCIAL RESPONSIBILITIES SHOULD BE ON THE PUBLIC DOMAIN AND RECORDS SHOULD BE ON BOTH SIDES.
- AWARENESS RAISING

Ethics and Leadership

LEADERSHIP

- ☐ LEADERSHIP IS AN IMPORTANT PART OF OUR HUMAN EXPERIENCE THAT WE ALL RELATE TO
- ☐ LEADERS ARE NEEDED IN EVERY SPHERE OF OUR LIVES AND OUR CHALLENGE IS TO UNDERSTAND LEADERSHIP
- ☐ LEADERSHIP IS THE CAPACITY AND WILL TO RALLY MEN AND WOMEN TO A COMMON PURPOSE, AND THE CHARACTER WHICH INSPIRES CONFIDENCE- FIELD MARSHAL MONTGOMERY
- ☐ THERE MUST BE A CLEAR DIRECTION: WHERE ARE YOU TAKING YOUR FOLLOWERS?
- ☐ DO YOU HAVE A VISION?
- ☐ DO YOU SERVE AND MODEL YOUR VALUES?- CHARACTER
- ☐ IN LEADERSHIP THERE IS A MAJOR ROLE, A PLATFORM FROM WHICH WE INFLUENCE
- ☐ THERE IS A GOAL- TO HELP PEOPLE GET TO THE EXPECTED END

LEADERSHIP= HEADSHIP

- ☐ EYES- A LEADER MUST SEE BEYOND WHAT HIS FOLLOWERS SEE
- ☐ EARS- A LEADER MUST BE WELL INFORMED AND MUST BE A GOOD LISTENER
- ☐ MOUTH;- A LEADER MUST COMMUNICATE HIS VISION TO THE TEAM. SHOULD BE GOOD COMMUNICATOR
- ☐ NOSE;- SHOULD BE ABLE TO PERCEIVE THINGS WITHIN THE GROUP

WHAT LEADERSHIP IS NOT

- ☐ LEADERSHIP IS NOT TITLE OR POSITION
- ☐ LEADERSHIP IS NOT DEGREES
- ☐ LEADERSHIP IS NOT PERSONALITY LEADERSHIP IS NOT WHO OR WHAT YOU KNOW.
- ☐ LEADERSHIP IS NOT JUST GENETIC- LEADERS ARE BORN AND MADE
- ☐ LEADERSHIP IS NOT DOING THINGS TO OR FOR PEOPLE; LEADERSHIP GET THINGS DONE THROUGH AND WITH PEOPLE.

WHAT IS REALLY EXPECTED OF LEADERS

- ☐ THEY MUST SET DIRECTION
- ☐ THEY MUST BE CHANGE AGENTS
- ☐ THEY MUST BE COMMUNICATORS
- ☐ THEY MUST BE DECISION MAKERS
- ☐ THEY MUST MOTIVATE AND INSPIRE
- ☐ THEY MUST BE MENTORS
- ☐ THEY SHOULD BE ROLE MODELS

ETHICAL LIVING

- ☐ Ethical living – and leading – takes courage and conviction. It means doing the right thing, even when the right thing isn't popular or easy. But when you make decisions based on your core values, then you tell the world that you can't be bought – and you lead your team by example.

- ▣ Actions always speak louder than words, so make sure you do as you would wish others to do
- ▣ Leadership involves a psychological and emotional contract between leader and follower. And if a leader expects something from followers, he or she should be willing to live up to that.
- ▣ The core problem is not that we are too passionate about bad things, but that we are not passionate enough about good things. Larry Grabbe
- ▣ There is no such thing as minor lapse of integrity- Tom Peters
- ▣ The greatest discovery of my generation is that a human being can alter his life by altering his attitudes of mind. William James
- ▣ I don't know the key to success but the key to failure is trying to please everybody- Bill Cosby
- ▣ The best way to stop a bad habit is not to begin it. – J. C. penny
- ▣ Your character is reflected in every decision you make and every relationship you establish.
- ▣ Don't fool yourself. Surviving small indiscretions deceives many leaders into thinking that they will be equally successful in surviving the bigger ones down the line. History tells us that nothing could be further from the truth.
- ▣ Choose to do what is right, even when it is hard. The more successful you become the harder it will be to maintain integrity. Small compromises early in the journey make it easier to compromise on the big things later on.
- ▣ Remember, your character is always on display. It shapes your reactions, your attitudes, and your priorities. Likewise your character shapes the experience of those who choose to journey with you- and therefore will determine who is left standing in your corner when the journey draws to a close.

An effective and ethical leader has the following traits / characteristics:

- ▣ **Dignity and respectfulness:** He respects others. An ethical leader should not use his followers as a medium to achieve his personal goals. He should respect their feelings, decision and values. Respecting the followers implies listening effectively to them, being compassionate to them, as well as being liberal in hearing opposing viewpoints. In short, it implies treating the followers in a manner that authenticate their values and beliefs.

- ▣ **Serving others:** He serves others. An ethical leader should place his follower's interests ahead of his interests. He should be humane. He must act in a manner that is always fruitful for his followers.
- ▣ **Justice:** He is fair and just. An ethical leader must treat all his followers equally. There should be no personal bias. Wherever some followers are treated differently, the ground for differential treatment should be fair, clear, and built on morality.
- ▣ **Community building:** He develops community. An ethical leader considers his own purpose as well as his followers' purpose, while making efforts to achieve the goals suitable to both of them. He is considerate to the community interests. He does not overlook the followers' intentions. He works harder for the community goals.
- ▣ **Honesty:** He is loyal and honest. Honesty is essential to be an ethical and effective leader. Honest leaders can be always relied upon and depended upon. They always earn respect of their followers. An honest leader presents the fact and circumstances truly and completely, no matter how critical and harmful the fact may be. He does not misrepresent any fact.

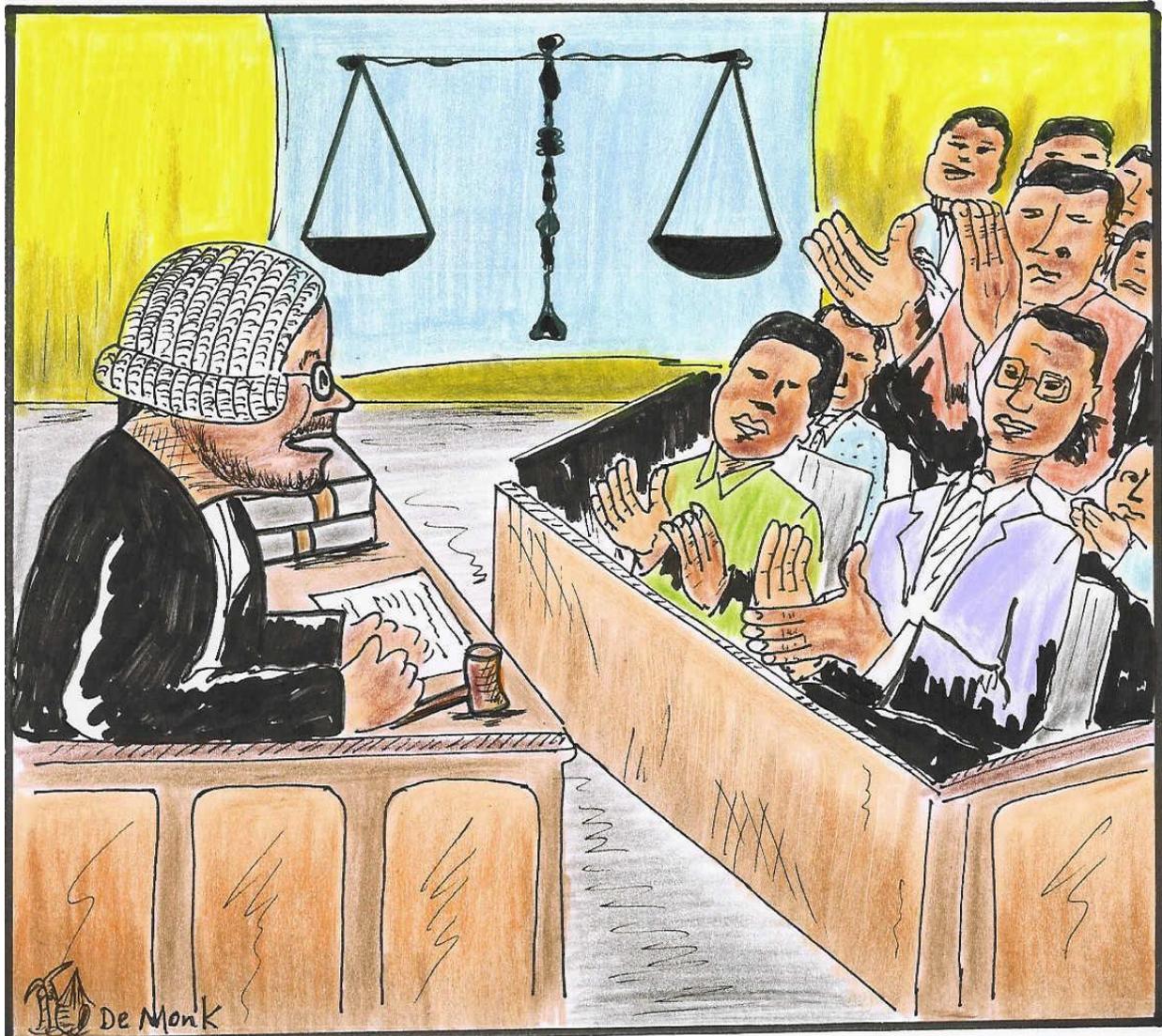
2. Simplified UNCAC Handbook

TRANSPARENCY INTERNATIONAL SIERRA LEONE

HANDBOOK

ON

THE UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC)



FUNDED BY:

THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

TABLE OF CONTENT	PAGE
Preface	3
CHAPTER ONE	
General Overview of Corruption	4 – 6
CHAPTER TWO	
Corruption as a Cross Boarder Issue	7 – 8
CHAPTER THREE	
The United Nations Convention Against Corruption	9 – 10
CHAPTER FOUR	
Requirement of the Convention	11
CHAPTER FIVE	
The UNCAC Review Mechanism	12
CHAPTER SIX	
The Domestication of the Convention – Role of Civil Society	13

PREFACE

Over the years in Sierra Leone, civil society has played a very active role as an agent to facilitate political change at national and local levels. This has been evident in the role civil society played in ensuring the reintroduction of the local governance system and the review of the 2000 Anti-Corruption Act. The fight against is the “people’s fight” therefore all stakeholders must come onboard to ensure that there are adequate and effective laws that captures provisions in international anti-corruption convention so that Sierra Leoneans will succeed in the fight against corruption. It is against this backdrop that transparency International Sierra Leone seeks to engage civil society groups, the media, and accountability institutions as key stakeholder in the advancement of the Conventions on Corruption in Sierra Leone.

It is hoped that this book would serve as an impetus to encourage Civil Society Organizations, the Media, Traditional Rulers, Religious Leaders, Parliamentarians and Accountability Institutions to ensure that the Africa Union Convention on Preventing and Combating Corruption and Related Offences could be ratified and the United Nations Convention against Corruption be fully domesticated and effectively implemented in Sierra Leone.

Apart from providing in-depth information about the Conventions on Corruption, the handbook would hopefully encourage active civil society advocacy, and lobbying to ensure that the government and other relevant stakeholders commit themselves to the ratification and implementation of the AU and UN Conventions and consequently, the Anti-Corruption Campaign.

The publication and distribution of this handbook was made possible through the financial support of the United Nations Office on Drugs and Crime (UNODC).

CHAPTER ONE

GENERAL OVERVIEW OF CORRUPTION

What is Corruption?

Corruption includes a wide range of offences from the higher level of embezzlement of public funds to the demand, giving and taking of bribe between public officials and private business people.

According to Transparency International (TI) Corruption is defined as ‘**The abuse of entrusted power for private gain**’.

Who can be Corrupt?

The corrupt act (the abuse) may be perpetrated by a person in a decision making position in the public or private sectors, it may be initiated by a person attempting to influence the decision-making process.

- Thus, a public official or any person in a position to take or give a bribe for carrying out any service can be corrupt.
- Any person who diverts the use or ownership of property (e.g. government vehicle, public funds or buildings)
- Any person who takes undue advantage such as giving or accepting gift in cash or kind for the award of a contract, tender or provision of services.

Forms of Corruption

- Bribery
- Embezzlement
- Extortion
- Interest peddling
- Fraud
- Illicit enrichment
- Laundering of the proceeds of Corruption, aiding Corruption and obstructing justice are also offences relating directly or indirectly to Corruption.

Situations That Give Rise to Corruption

- Weak institutions and structures.
- Poor ethical standards
- Skewed incentives
- Insufficient enforcement of laws and policies.

EFFECTS OF CORRUPTION

When Corruption is widespread in a country, the adverse effect is felt in different ways by many e.g. Business people, school teacher, hospital patients, etc. below are some of the effect of corruption.

1. Undermines Democracy and Good Governance

- Poses serious threats to the stability and security of the nation
- Undermines institutions and values of democracy, ethical values and justice
- Lead to electoral malpractice such as, buying citizens votes in elections and offering favors to influence political parties.
- Buying the vote of parliamentarian's representatives on matters such as taxation, distribution of public resources, regulation of business etc.
- People who are skilled, honest and able remain unemployed, while those who are dishonest or connected have jobs.

2. Causes Poverty and efforts to alleviate it

- The poor are affected most because they are the most vulnerable. These include women, children, and the elderly and physically challenged.
- Rule made to ensure fairness and efficiency is circumvented by one person or a small group who illicitly benefits at the expenses of the larger community.
- Violates human and social rights of people by destroying rendering effective and political instructions and processes.
- Undermining the independence of the judiciary and law enforcement bodies.
- Denies equitable access to public services such as health, education, etc.
- Acts as obstacles in the way of earning a decent and honest livelihood in the public and private sectors.

3. Undermines Economic Development

- Distorts public spending
- Undermines efficiency
- Discourage investment and growth
- Undermines economic competition
- Increases the costs of business
- Corruption in Civil Services promotions led in less qualified people making decisions and controlling the use of resources.

Corrupt Offences as Prescribed in the Reviewed Anti-Corruption Act of 2008

1. Corrupt acquisition of wealth
2. Possession of unexplained wealth
3. Offering, soliciting or accepting advantage
4. Using influence for contracts
5. Influencing a public officer
6. Peddling influence
7. Bid rigging
8. Corrupting public officer
9. Bribery of or by public officer to influence decision of public body
10. Soliciting, accepting or obtaining advantage for public officer
11. Misappropriation of public funds or property
12. Misappropriation of donor funds or property
13. Impeding investment
14. Corrupt transactions with agents
15. Deceiving principal
16. Accepting advantage to protect offender from legal proceedings
17. Abuse of office
18. Abuse of position
19. Public officer using his office for advantage
20. Conflict of interest
21. Treating of public officer
22. Receiving of gift for a corrupt purpose
23. Protection of public property and revenue etc

CHAPTER TWO

CORRUPTION AS A CROSS-BORDER ISSUE

Corruption is a Cross-Boarder concern because of the following reasons:

- States are interconnected through trade, investment, financial transaction and communication. Therefore Corruption in one country affects the other because it interferes with trade and investment opportunities.
- It may lead to misuse of international development assistance.
- Corruption networks based in one country also operates abroad allowing corruption to spread to other countries.
- The proceeds of corruption are concealed laundering funds across boarders E.g. deposit in foreign banks, cross border.
- Individual involved in corruption may escape law enforcements by moving from the country where investigation or prosecutions are taking place or where a country judgment has been handled down.
- Governments may be prevented from investigating or prosecuting corrupt persons in cases where evidence, witness or corrupt persons are located abroad.

Why do we need International Cooperation and Intervention?

- Corruption must be addressed on an international basis.
- Cross border cooperation is essential for prevention, detection and prosecution of Corruption.
- When the proceeds of corruption are located abroad, the assistance of foreign institutions is needed in order to recover funds or property.

How can individual countries counter Corruption?

Countries require a comprehensive and global approach. National and international system of Transparency and Accountability must be strengthened, which includes the following:

- A. Preventive measures are meant to create conditions that promote good, honest, transparent and efficient public management as well as high standards in the private sector.
- B. Punitive Measures- These are meant to punish corrupt actions through judicial or administrative process.

Individual countries can make progress in countering corruption in their countries by introducing preventive and punitive measures. However, due to the international nature of corruption countries need to cooperate in order to succeed or make lasting results.

The Conventions against Corruption provides a framework for strengthening preventive and punitive measure. They also address the need for an international legal framework for technical assistance.

What are the Conventions against Corruption?

- They are the manifestations of an international consensus that emerged in the 1990s, identifying corruption as an important problem needing to be address and in particular, requiring internationally agreed solution.
- The consensus is further strengthened when the conventions are signed by a significant number of governments in those assemblies.
- They become binding when a predetermined number of countries ratify them.
- They are standards and requirements in the prevention, detection, investigation, and sanctioning of acts of corruption.
- The anti-corruption measures require by the convention must be implemented through legislation, regulations, policies and practices.
- The Conventions discussed here is the United Nations Conventions Against Corruption (UNCAC).

CHAPTER THREE

THE UNITED NATIONS CONVENTION AGAINST CORRUPTION

What is UNCAC?

- An acronym: United Nations Convention against Corruption.
- Adopted by the General Assembly resolution 58/4 of 31st October 2003.
- With this adoption, the Convention came into force on 14th December 2005.
- To date over 122 countries have signed up to the Convention; Sierra Leone signed up in 2005.
- The UNODC is the guardian of the Convention and Secretariat to the Conference of State Parties.
- The Convention requires the establishment of a range of offences associated with corruption and devotes a separate chapter to its prevention.
- It also attaches importance to strengthening international cooperation to combat corruption.
- It also makes provisions for asset recovery as well as technical assistance and implementation.

Contents of the UNCAC – The Statute

The Statute has 8 chapters with a total of 71 Articles. The chapters include the following:

- **Chapter 1:** General provisions
- **Chapter 2:** Preventive measures
- **Chapter 3:** Criminalisation and Law Enforcement
- **Chapter 4:** International Cooperation
- **Chapter 5 :** Asset Recovery
- **Chapter 6:** Technical Assistance and information Exchange.
- **Chapter 7 :** Mechanism for implementation
- **Chapter 8:** Final Provisions.

The Main Features of the UNCAC.

- It introduce a comprehensive set of standards, measures and rules that all countries can apply in order to strengthen their legal and regulatory regimes to fight Corruption.
- It makes a major breakthrough by member states to return assets obtained through corruption to the country from which they were stolen.
- The UNCAC is unique among other anti-corruption conventions not only because of its global outlook but also in the specificity of its provision.
- A very important aspect of the UNCAC is that it employs a very broad definition of the term “public official”, which includes any person holding a legislative, executive, administrative or judicial office of the state or performing a public international function or service.
- It covers officials of public international organizations and requires punitive measure for those who bribe them.

The Critical Documents in the Implementation of the UNCAC

1. The Technical Guide:

This is designed to promote implementation by highlighting policy issues, institutional aspects and operational frameworks related to the full and effective implementation of the Convention; it focuses on the tools and examples of good practices.

2. The Legislative Guide:

This is prepared mainly for use by legislators and policy makers in states preparing themselves for the ratification and implementation of the Convention.

However it is important to note that both documents complement each other.

Benefits of the Guides

- The Guides provide a consultative framework for national authorities that need to acquire a full understanding of the provisions of the Convention.
- They can be used as helpful basis for more comprehensive technical assistance covering a range of policy and institutional challenges that need to be addressed for full implementation.
- Could jointly be used as part of a comprehensive package of tools aimed at enhancing the knowledge and capacity of stakeholders like anti-corruption agencies, criminal justice and law enforcement agencies.

CHAPTER FOUR

REQUIREMENTS OF THE CONVENTIONS

A). Ratification

- To become a party to a convention, and be bound by its requirements when it enters into force, a state must express its consent to be bound by ratification or accession to the convention.
- The procedures for this are usually laid down under the nation laws and often approved by a national legislative body.
- Sometimes publication in an official gazette is as part of the process.
- Sometimes state ratify Convention with reservations, which means that there are often articles in the instrument that are non-applicable or non-binding in their case.
- The final step in the ratification or accession is generally for the government of the country ratifying it to deposit the instrument to be ratified to an office or institution designated in treaty.

B). Accession

This is the act whereby a state accepts the opportunity to become a party to a treaty already negotiated and signed by other states. It usually occurs after the treat has entered into force.

C). Entry into Force:

A convention applies to a country that has ratified it only once it enters into force, which depends on ratification by a minimum number of states.

For the UNCAC, the 30th ratification was deposited on 15th September 2005 and it entered into force 90 days later on the 14th December 2005.

The 15 ratification required for entry into force of the AU Convention were reached in 2006 and entered into force 30 days later.

CHAPTER FIVE

THE UNCAC REVIEW MECHANISM

Since its entry into force in 2005, the UNCAC has become a rallying point across the world for efforts to combat corruption. It provides a comprehensive framework to address corruption. In 2009, the CoSP to the UNCAC adopted resolution 3/1 entitled “Review Mechanism”. It empowers the CoSP to establish any appropriate mechanism or body to assist in the effective implementation of the Convention.

State parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and non-intervention in the domestic affairs of other States.

Guiding Principles of the Review Mechanism

- Be transparent, efficient, non-intrusive, inclusive and impartial.
- Not produce any form of ranking
- Provide opportunities to share good practices and challenges.
- Be an intergovernmental process
- Not serve as an instrument for interfering in the domestic affairs of States parties
- Be conducted in a non political and non selective manner.
- Take into account the levels of development of State parties, as well as the diversity of judicial, legal, political, economic and differences in legal traditions.

Aims, Objectives and Relevance of the Review

The main aim of the review is to assist state parties in their implementation of the convention.

The review is relevant because of the following reasons.

- It promotes the purposes of the Convention as set out in its articles.
- It Provides the CoSP with information on measures taken by states in implementation and the difficulties encountered.
- It helps to identify and substantiate specific needs for technical
- It Promotes and facilitate international cooperation, the prevention and fight against corruption and asset recovery.
- It Provides the Conference with information on successes, good practices and challenges of implementation.

CHAPTER SIX

THE DOMESTICATION OF THE CONVENTION – THE ROLE OF CIVIL SOCIETY

It is now widely accepted that measures to address corruption are essential to establishing and maintaining the most fundamental good governance structures, including domestic and regional security, the rule of law and social and economic structures.

Sierra Leone signed and ratified the UNCAC in 2005, because its legislation was not consistent with the convention requirements. As a result the Anti-Corruption law was revised in 2008 to capture some of the provisions of the UNCAC. However more needs to be done to ensure the full domestication and effective implementation of the UNCAC.

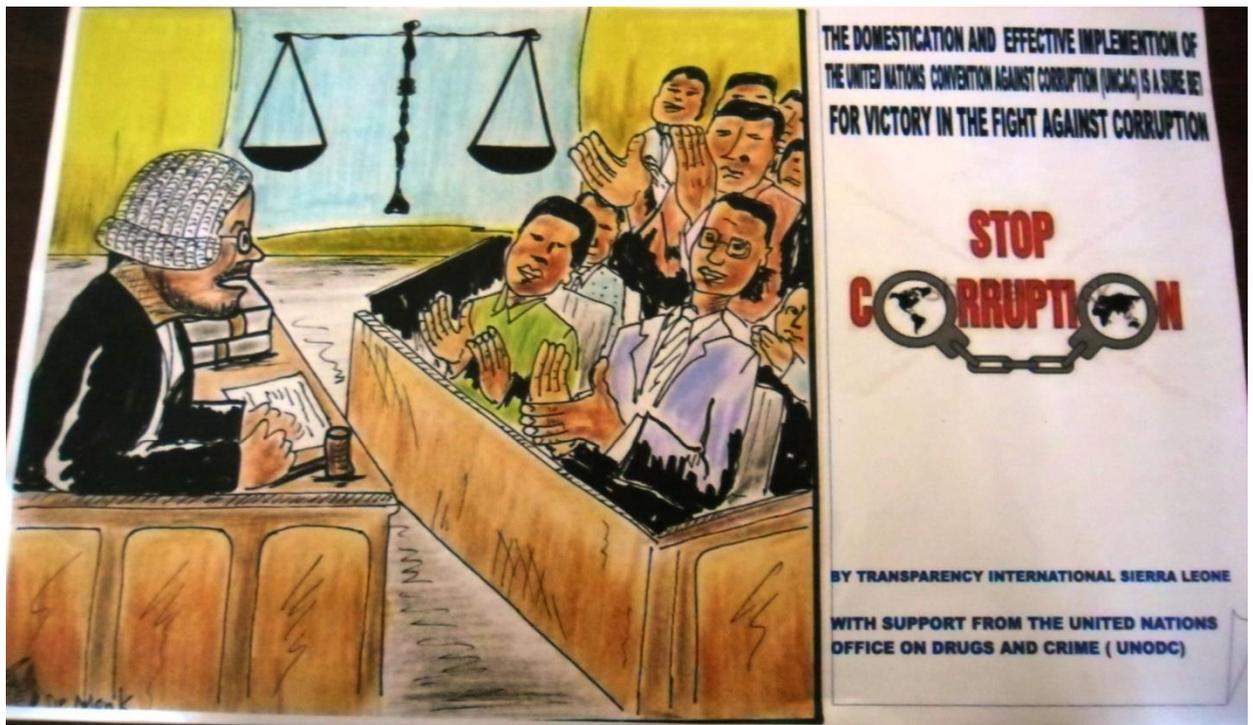
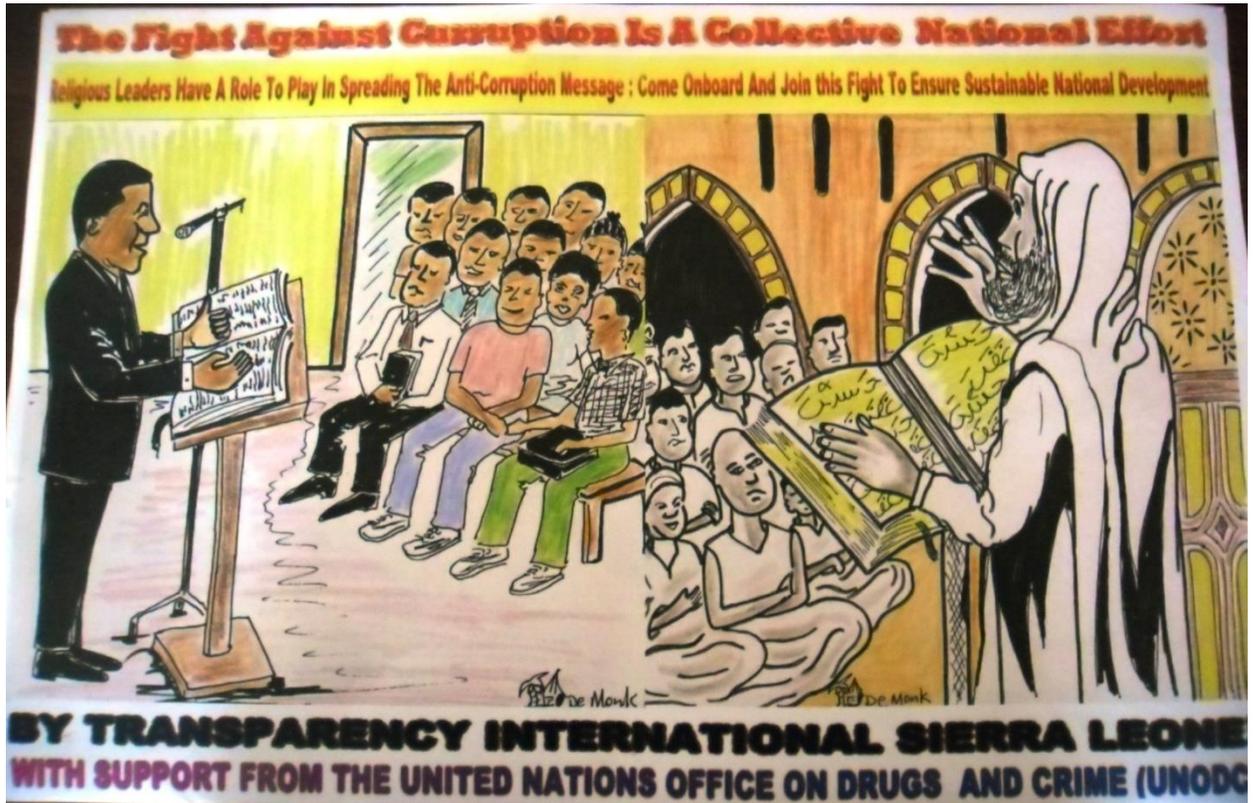
That notwithstanding, there is no significant public awareness of the UNCAC and its provisions. Moreover there are little or no lobbying efforts by civil society for the full domestication and effective implementation of the UNCAC.

Article 12 of the African Union Convention provides for the States to ensure that civil society and the media are fully engaged in the fight against corruption and the popularization of Anti-Corruption Conventions. They should embark on a rigorous public sensitization campaign to facilitate and ensure government's commitment to the effective implementation of the UNCAC through an effective advocacy and lobbying programs.

Therefore, the role civil society can play in promoting the full domestication and implementation of the UNCAC are as follows:

- Draw public attention to the Convention and to the fact that countries that have ratified it are now bound by it.
- Launch campaign at both national and international levels to promote ratification and implementation.
- Conduct independent monitoring the implementation of the UNCAC and ensuring that it is high on government's agenda
- Lobby government to make implementation a priority.

3. Posters



**SOUND ETHICAL VALUES AND INTEGRITY ARE VERY STRONG WEAPONS
TO FIGHT AGAINST CORRUPT THOUGHTS AND PRACTICES.
THEREFORE PUBLIC OFFICIALS AND THE PRIVATE SECTOR MUST DEMONSTRATE INTEGRITY
IN THEIR AFFAIRS**



**BY TRANSPARENCY INTERNATIONAL SIERRA LEONE
WITH SUPPORT FROM THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)**

The Demand & Receiving Of Bribes By The Public Sector & The Giving Of Bribes By The Private Sector
Undermines Integrity & Effective Service Delivery.
Say No To Bribery & Corruption To Ensure Effective Service Delivery.



STOP
CORRUPTION

BY TRANSPARENCY INTERNATIONAL SIERRA LEONE
WITH SUPPORT FROM THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

3. Newspaper publications of the training workshop

Editorial / Teenage Pregnancy And The Future

It is no secret that youths these days begin sexual activity at an early age, and so it is no surprise that there is a growing problem of teenage pregnancy in the country.

That something needs to be done to curb the growing menace is also not in doubt, and so we are pleased that the President will soon be launching a special programme supported by a number of international agencies to address the problem.

We hope that this programme will address the problem of poor parenting which we believe is contributing to the growing problem of teenage pregnancy.

We agree that early and forced marriages are contributory factors, but these have been there all the time. In fact, if anything these practices are on the decline with the increase in girl child education and a greater realisation on the part of parents of the value of educating girls.

We believe the problem of teenage pregnancy is on the increase because new factors have come into play. These factors include lack of proper guidance for teenagers from parents. It also includes parents, particularly mothers encouraging their daughters to have relationships with men much older than them, in a quest to earn money.

Parents expect their teenage girls to provide for themselves and even provide for the parents, and so we have these girls using the only asset they have, which is their bodies, to earn a living. This is nothing short of prostitution, although most of these girls do not go out on the street soliciting customers.

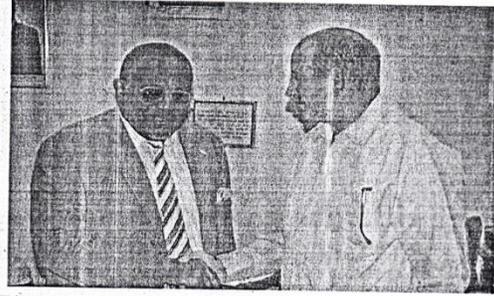
The problem of teenage pregnancy and its attendant by products of maternal deaths and high infant mortality will not be solved if we do not tackle the problem of poor parenting.

Even where the parents do not actively encourage their teenage daughters to go looking for men, many parents have no idea what their children are up to. They take no interest in their education or what they are doing in and out of the home and therefore do not notice when they begin the journey of waywardness.

We therefore believe the campaign against teenage pregnancy will not be very effective if parents are not targeted, and so we urge those planning the campaign to give enough attention to the role of parents in curbing the growing menace.

Cuba and Sierra Leone to Establish Linkage

The Sierra Leone Parliament and the Parliament of Cuba may soon establish a special link to enhance cooperation between the two countries.



This was proposed by the new Cuban envoy accredited to Sierra Leone, Ambassador Jorge F. Lefebre Nicolas, during a courtesy call on the Speaker of Parliament, Honourable Justice Nathaniel Abel Stronge on Wednesday 8th May.

Ambassador Nicolas told the Speaker that such cooperation will be particularly significant, now that the former Cuban Vice-President, who is of African descent, serves as the Speaker of the Cuban Parliament. He

told Justice Stronge that Sierra Leone and Cuba now need to do more, to heighten bilateral cooperation. Among other things, he said that his Government plans to increase the number of doctors and specialists working in Sierra Leone.

Speaker Stronge, who was happy to receive Ambassador Nicolas, assured the envoy that he would take steps to expeditiously concretize the Ambassador's proposal.

Transparency International Schools Private Sector on Corruption

As the Anti-Corruption Commission widens its scope in curbing corruption in the country, Transparency International has conducted a one day interactive dialogue programme with members of the private sector on corruption.

By Alpha B. Barrie



Edward B. Koroma addressing the gathering

Edward B. Koroma, Senior Programme Officer of Transparency International Sierra Leone, said that the issue of corruption is not central in the development of the country. He stated that even though corruption is one major challenge in the private sector, the sector has not been considered in the fight against corruption.

He added that the private sector does not make the required profit because of corruption, stating that members of the private sector sometimes pay excess money in order to either clear their goods or to get contracts. He said that they are starting with small businesses as an entry point before targeting the bigger companies.

Koroma stated that Transparency International Sierra Leone has a three month project for sensitizing the private sector about corruption and how to curb it within the

business community. He said that much attention is not given to the private sector in the fight against corruption, adding that the programme is a follow up to a dialogue forum that TI-SL had with the private sector. He noted that corruption always involves two people those who give and those who receive, stressing that most of the people who give are from the private sector and those who receive are from the public sector.

He added that it is important to engage the private sector to enlighten them about corruption and give them the necessary training to enable them fight against it.

The senior programme officer pointed out that people in the private sector need to know what constitutes corruption and how to report it. He stated that most of the time members of the private sector connive with members of the public sector to engage in corruption.

Thomas Babadie, Coordinator of Forum of Sierra Leone Youth Network, said that corruption is everywhere in the country, and that the way people maintain their integrity matters most. He added that the private sector has a crucial role to play in curbing corruption.

BUSINESS @World

BY GREAT FADDA BAKISH

Most small businesses compete successfully against larger rivals by specializing in a niche market. However, you still need to do your homework to be sure that the niche is large enough to support your business and that customers are not too expensive to find and serve. You may discover that niche markets can be just as fiercely competitive as the mass market.

You need to figure out how fast your niche is growing and how much market share you will need to capture.

If your financial projections require you to hold more than a few percent of market share to remain profitable, be careful. Don't press ahead unless you can convincingly demonstrate to yourself how your competitive advantages will enable you to become the market leader.

After starting a business, many unexpected things can happen. One possibility is that you may have to discontinue the business for certain reasons like not getting enough time, a neutral approach of the family towards business, financial and management problems, or planning for a corporate business. In such a situation, you can opt for selling the business, pass on to the business partner or relatives, and/or closing the business. If you really decide to close your business, then it is always better to follow certain plans to close it safely and legally. Here is some information about the steps to be taken while closing a business.

If you are a sole proprietor, then you may not face any problems while deciding when to close your business. However, if you are operating in the partnership or incorporation, then you and your business associates should equally agree to the decision of closing the business. Regarding dissolving of the business entity, you can follow your own organizational regulations or the rules of your state's business statutes. As per the rules, there should be maximum vote of the business owners supporting the dissolution. Ensure that the owners sign in a consent form regarding the decision. While conducting the process of voting, you can follow the guidelines for a correct procedure.

The second step for closing a business is dissolving the business entity officially. This step is applicable for a corporation business or a limited liability company (LLC). For processing this step, you are required to fill certain official forms. However, it is to be noted that each state has different rules for dissolving the business. If you dissolve your small business with government offices (state and local), you will be deprived from the liabilities of business taxes and/or filings. This also helps in noticing the creditors that your entity is no longer liable to incur debts.

The third step is to cancel permits, license and business names, so that no other company can use your business rights. If you don't deregister your business name and/or license at the time of closing, there are chances that some other company use them and incur penalties and taxes in the future. For cancellation of a seller's permit or license, you can invalidate them by contacting the issuing agency. It is always advisable to publish in a local newspaper about the abandonment of your business name. This way, you can have a proof against any unwanted issues after closing the business.

While closing your business, make sure to pay the taxes, debts (e.g. business loans) and the employees' paychecks. You may be required to fill certain forms about income tax payment and returns (if any). You can notify your creditors about your decision and clear or settle any business debts. You may be interested in knowing how to start a business.

Following these legal tasks will protect your credit, as well as your reputation as a businessman. In some instances, selling a business is a better option, rather than closing it. While selling, research more information about the price and potential buyers. Be patient and don't make a haste in selling the business, otherwise you will regret, if you get a better deal later on. In case, you find it difficult to handle closing or selling of your business, you can always hire and/or seek advice from a professional like a lawyer, financial advisor or an accountant.

A startup can be a high-stress environment, especially when you are struggling to turn the corner before the lights go out. At moments like this, disagreements about the direction of the company or the division of profits among the owners can lead to a rift within the founding team. Because people wear lots of hats in startups, the sudden departure of a key executive can doom a fledgling organization. This makes it imperative to structure agreements so that the founders and key hires are treated fairly and that everyone's interests are closely aligned with the success of the new venture.

It's all too common for entrepreneurs to grossly underestimate the amount of time and capital necessary to reach cash flow breakeven, causing many promising ventures to shut down prematurely. Be conservative with your financial projections and plan on having adequate funds when you launch to cover all sunk costs (including startup losses) until your company becomes cash flow positive.

If you don't have enough savings to cover the required investment, it may be tempting to launch your startup under the assumption that you will be able to obtain funding at a later date. While staging investment has its advantages (preserving the option to abandon, higher valuation and therefore less dilution, etc.), this strategy can backfire and leave you unable to get the money when you need it most or force you to negotiate with banks and investors from a position of weakness. It's often better to change the business model to bring required investment in line with available resources.

Each day, entrepreneurs from the "build it and they will come" school of business invest their money in a cool idea with the hopes that custom-

COMPLETING A SUCCESSFUL BUSINESS

ers will magically appear once they open the doors. All too frequently, these hopes turn out to be in vain. History is replete with ventures that crashed and burned because the founders spent all of their time and money developing a product without bothering to consider how to attract customers. Even worse, many did not really understand what customers valued and were willing to pay for.

It's imperative to research and validate the market before you launch really need. Chances are, you will end up with a much more compelling offering than what you initially dreamed up on your own. Remember, find the customers first, then look for a solution.

Crisp execution—rather than a clever idea—is vital to the success of new businesses. It stands to reason, therefore, that poor execution is the downfall of most startups that go bust. There are several ways you can avoid execution failure. First, you should conduct an honest evaluation of your skills and only pursue opportunities that are aligned with your strengths. Entrepreneurs who are blinded by greed or arrogance are more prone to getting in over their heads. It's also wise to surround yourself with talented people who aren't afraid to speak up when you're headed off a cliff.

Companies with inept leadership usually fail in the first year or two, but even established companies can stumble badly when they outgrow the capabilities of the founding team. Bill Gates led Microsoft from inception to its current position as one of the largest and most successful companies in history, but this is seldom the case. As a founder, you need the discipline to know when to hand over the reins to a professional manager who can take your business to the next level.

The most common method for setting prices is to start at the unit cost and then mark up the price to achieve a profit, so-called "cost-plus" pricing. Unfortunately, cost has little to do with how a product or service is valued by customers, which can lead to systematic underpricing. For example, if a widget costs \$20 to manufacture, and you sell it to a customer for \$25 when that customer would gladly have paid \$35, you have left \$10 worth of value on the table.

Even worse, cost-based pricing can lead to prices that are greater than what the market will bear. Because unit cost is related to sales volume, high prices lead to fewer sales, which in turn increases unit cost, leading to a further round of price increases.

As Thomas Nagle and John Hogan point out in *The Strategy and Tactics of Pricing*, failing to account for the effect of price on sales volume and hence costs has led to numerous business failures over the years once they enter a "death spiral" of price increases to allocate fixed costs across a smaller volume of sales. You should instead let anticipated prices, based on the product's perceived value to customers, determine the cost structure, not the other way around. Consequently, pricing strategy and customer value should be addressed in the earliest stages of planning a new business.

Growth is considered the hallmark of business success, but uncontrolled growth can and does kill entrepreneurial companies for two primary reasons. The first is that businesses need systems and infrastructure to scale properly, but few invest the time and effort to lay the foundations for growth in those first hectic years. That's too bad, because things tend to spin out of control when you put the pedal down. This can be especially problematic for companies that receive a large infusion of outside capital. It's the equivalent of trying to break the land speed record by strapping a jet engine onto a soap box racer. Don't be surprised when the wheels come off...

The second reason is that top-line growth requires additional investments in fixed assets (warehouses, machinery, trucks, etc.) and working capital (inventory, accounts receivable, etc.). At controlled rates of growth, companies are able to finance incremental sales through internal cash flow. Hypergrowth, on the other hand, can suck up large amounts of cash, forcing businesses deep into debt or bringing the whole enterprise to a screeching halt. Many times, owners are not even aware of the impending collapse, because they focus on profitability (as depicted on the income statement) rather than cash flow. Never forget that cash is the lifeblood of your business!

TI-SL ENGAGE SMALL SCALE BUSINESS ON CORRUPTION

BY MOHAMED KONNEH

Transparency International-Sierra Leone on Wednesday 8th May 2013 concluded a day's training for Small Scale Business Enterprises on Anti-Corruption and the United Nations Convention against Corruption (UNCAC).

The training brought together petty traders, civil society groups to discuss important issues.

Welcoming participants at the training, TI-SL Programme Officer Ms. Temple said the public is very much aware of the activities of civil society and they look up to us in the fight against corruption. The engagement was timely in bringing the private sector onboard in the fight against corruption. This fight she said, was not for the Commission alone or civil society adding that each and every Sierra Leone has a stake in it.

Edward B Koroma, Senior Programme Manager Transparency International Sierra Leone giving the rationale of the training said that the private sector is important in the fight against corruption. The ACC Act did not take into cognizance the private sector in 2000 when the act was first enacted, but when the Act was revised in 2008, more charges were added to the already existing one including, the activities of the private sector. TI-SL is engaging the private sector today for the sector to understand offences relating to their operations in society.

As an organization, they were starting with the Small Business Sector, mostly petty traders and small business enterprises. TI he said has been able to secure funding for a period of three months as a pilot. They were starting with this training yesterday he said and that they will be holding a dialogue programme and engage the media on this project.

Presenting a paper on the UNCAC, Mr. Nabillahi Musa Kamara Directors NACS at the Anti-Corruption Commission said that Corruption is an insidious plague that has a wide range of corrosive effects on societies, its undermines democracy and the rule of law, leads to violation of human rights, distorts markets erodes the quality of life and allows organized crime, terrorism and other treat to human security to flourish.

Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government's ability to provide basic services quoting Kofi Annan.

He said the UNCAC was adopted by the General Assembly Resolution 58/4 of 31st October 2003. With this adoption, the convention came into force on 14th December, 2005 and that the



Edward Koroma Senior Programme Manager TI-SL giving the overview

UNCAC is the guardian of the convention and secretariat to the conference of state parties.

The Director also stated that the UNCAC has two critical documents including the Technical Guide on UNCAC is designed to promote implementation by highlighting policy issues, institutional aspects and operational framework. The second document is the Legislative Guide and these two guides provide a consultative framework for national authorities that need to acquire a full understanding of provision of the convention. Understanding of the provision of the convention and they can be used as helpful guide in the fight against corruption.

Mr. Kamara said the UNCAC has 8 Chapters with a total of 71 articles and that the chapters include General provisions, Preventive measures, criminalization and law enforcement, international cooperation, asset recovery, technical assistance and information exchange, mechanism for implementation and final provisions.