

The Observatory for the Fight Against Corruption

In agreement with the Country Team, the main justification for WBIGG's technical support to the Observatory for the Fight Against Corruption remains the technical quality of the government's initial design of the Observatory itself, which incorporates several of the key features required of a true anti-corruption control agency. The institutional linkages/dynamics between the Observatory and the three branches of the state are conceived in such a way as to protect the Observatory's functions, while at the same time mitigating the risk that the agency will transcend its mandate. The Observatory's independence from the executive power, and its right to investigate cases of corruption, is supported by the draft statutes and regulations, but all prosecutorial action remains the exclusive prerogative of the judiciary branch, thus mitigating the risk of an institutional impasse.

The Observatory may present evidence, but it may never recommend remedies in relation to specific cases. Insofar as the legislative branch is concerned, the working group responsible for the design of the Observatory - in which the Ministry of Justice and the Ministry of Finance (through the IGF) share the leading role - is elaborating an interesting proposal with regard to the selection, vetting and replacement of the agency's members by the National Assembly. Members of the Observatory will recite an oath of allegiance to the Constitution prior to beginning their three-year mandate. Finally, the proposed composition of the Observatory, with less than one-half of the members drawn from Government and the public sector, and more than half from the NGO community and other non-governmental groups of stakeholder, appears reassuring in terms of representation. While the structure and functions of the Observatory still require further definition, and although the crucial passage of the proposed law through the legislative Assembly is still four months down the line, the project indeed appears to offer good prospects for the fight against corruption.