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REPUBLIC OF CONGO

FIGHTING THE EPIDEMIC: THE NEED TO INTEGRATE ICTS INTO STATE ACTIVITIES

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Introduction

Corruption is a plague as old as the world, a phenomenon that is extremely complex and which affects all societies. In the Republic of Congo, between 2009 and 2011, several studies financed by the World Bank were conducted by FTHM International and Capsule at the request of the government. It was found that all Congolese administrations were implicated in corruption.

Two examples serve to illustrate this, both involving the Ministry of Finance. In the first, government employees, members of the armed forces and ordinary citizens have been implicated in a scandal involving the inflation of government salaries. According to the permanent secretary of the National Commission for the Fight Against Corruption, Embezzlement and Fraud (CNLCCF): "Numerous government employees and representatives of the armed forces as well as ordinary citizens have conspired with certain persons in the Ministry of Finance to modify the specific employee files, giving some people multiple identities and identification numbers so that they could thereby receive multiple salaries each month."[1]

In the second, a construction company won two public bids for the renovation of the offices of a public institution as well as the construction of a meeting hall for the institution. The total cost was 257,746,000 CFA francs (USD 572,768). When only 75% of the work was completed, it was discovered that the construction company had paid a sizable bribe – 24 million francs (USD 53,333) – to the company that had requested the work.

Faced with this epidemic, multiple actions have been taken to eradicate corruption, the largest of which was the establishment, in 2007, of the CNLCCF and the Anti-Corruption Watchdog Group.

At the very least, the work of these two institutions must be reinforced. This would require not only the support of the entirety of Congolese society – politicians, agencies, public and private administrations, the public, media outlets and individuals – but also the development of the means to accomplish this.

It is generally agreed that technology and the internet can be employed to maintain transparency and fiscal responsibility and are, because of this, important tools in the struggle against corruption – even if those very same tools are, unfortunately, also used to facilitate the same activities they may also prevent.

Political and legislative context in the fight against corruption

The system of legislation and regulation relating to the fight against corruption has been established by several laws. First, Law No. 5-2009 (22 September 2009) comprised measures on corruption, embezzlement, fraud and other related activities; second, Law No. 16-2007 (19 September 2007) created a national anti-corruption watchdog group; third, Law No. 13-2005 (14 September 2005) authorised the approval of the United Nations Convention Against Corruption; and finally, Law No. 14-2005 (14 September 2005) authorised the ratification of the African Union Convention on Preventing and Combating Corruption.

Related to this, several national decrees were issued: first, No. 2007-155 (13 February 2007) reorganised the CNLCCF; second, No. 2009-235 (13 August 2009) approved a plan of action against corruption, embezzlement and fraud as well as for the improvement of governance in the Republic of Congo.

Of particular significance in this framework is the definition of the term "corruption". Article 2 of the previously mentioned Law No. 5-2009 states that "corruption, embezzlement and fraud are unlawful acts by people in positions both public and private… [involving the] violation of procedures resulting from their positions as public agents, private employees, or independent actors, or the receipt of unlawful benefits for themselves or for others." The same law mandates penalties corresponding to these actions.

In addition, the CNLCCF carries out the government's policies through the initiation of investigations and the interrogation of suspected offenders.

However, one large drawback to this framework is that it does not provide for the creation of

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[1]   Commission Nationale de Lutte contre la Corruption, la concussion et la fraude (2011) Press release, 15 October.

an infrastructure to support the work that has to be done. It is here that we ask how technology might be used to fill the gap.

The use of technology and the internet in the struggle against corruption

Currently, at the government level, there are several initiatives in place that work against corruption using information and communications technologies (ICTs). For example, a tracking programme is being developed for better data keeping and evaluation when it comes to the management of forest resources. This benefits the management of exporting products legally, as well as clamping down on unlawful activities in the sector.

The CNLCCF, the government's technical arm in the implementation of anti-corruption policies, is rolling out a campaign to raise awareness in the country. The internet is being used to share various types of information related to corruption, notably the judicial tools that are available, the national anti-corruption plan, as well as significant advances in the fight against corruption.[2]

There is also a project to create a website for the CNLCCF to facilitate the publication of all the commission's activities, investigations and fiscal/customs reports.

As for the public, there are several websites available to learn about corruption in the Republic of Congo. Numerous articles have been published on the internet on corruption. There is also a move – in partnership with the Comptoir Juridique Junior – to create another site, which will include a discussion group, and an electronic newsletter, to better communicate successes and difficulties in the struggle against corruption.

In February 2003, a group of watchdog organisations called on the Congolese government to be more transparent, as a necessary step towards the development of the country. Shortly after this, in September of that same year, the Publish What You Pay campaign was launched. As a first step, but mainly to meet International Monetary Fund (IMF) requirements, the Republic of Congo announced in June 2004 its intention to join the Extractive Industries Transparency Initiative (EITI). Since then, several reports including reports on oil revenues have been published on the EITI site.[3] While this represented a step towards greater transparency of public information, public communication on this mechanism should be strengthened.

Action steps

Corruption affects all administrations and agencies in the Republic of Congo and it is clear that ICTs have not been adequately integrated in the fight against the epidemic. It is evident, nonetheless, that the government wishes at least in part to control corruption, as indicated by the creation of relevant institutions and a corresponding judicial framework.

To achieve the desired results in the fight against corruption, ICTs need to be thoroughly integrated into all administrations and agencies in the country. To that end, certain measures should be taken by Congolese society, as well as by the government and international organisations:

The public
- Public organisations need to work to create a network of individuals and other organisations to prevent corruption and reform systems.
- The public must be made aware of the evils of corruption so that they can identify and reinforce legal/political systems for reform.
- Constructive dialogue must be established between the government and the public so that proposed measures can be adopted to fight corruption.
- ICT tools and resources must be demanded from the government and other national organisations in order to empower the public in the fight against corruption.

The government
- Pilot ICT projects must be developed in the following areas: tax collection, public markets, and the maintenance of property registers. This will help to increase the efficiency and transparency of financial transactions and public services.
- An electronic monitoring system must be put in place in which cases of corruption can be registered in order to facilitate the analysis of corruption cases.
- A network of websites should be created to offer information on corruption and on fighting corruption in each government agency, so that the public can understand the issues at stake and the relevant procedures to follow should corruption be uncovered.

International partners
- It is vital that the public and the media work together to nurture a culture of transparency and accountability in the country. These efforts should be supported by international partners. ∎

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2   This information can be found principally at www.congo-site.org and, to a lesser extent, at www.itiecongo.org

3   www.itie-congo.net