



## **Twinning Fiche**

**Project title:** Peer-to-Peer institutional support to the Anti-Corruption Commission in Zambia

**Beneficiary administration:** Anti-Corruption Commission in Zambia

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***TWINNING TOOL***

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## Acronyms

ACC	Anti-Corruption Commission
CPs	Cooperating Partners
EU	European Union
EUD	European Union Delegation
MSs	Member State (meant as 'of the European Union')
PFM	Public Financial Management
PFM-RP	Public Financial Management Reform Programme
PFM-RS	Public Financial Management Reform Strategy
PL	Project Leader
PSC	Project Steering Committee
RTA	Resident Twinning Advisor
UNCAC	United Nations Convention against Corruption
SI	Statutory Instrument
ZMW	Zambian Kwacha (official currency)

## 1. Basic Information

### 1.1 Programme

**Support to Effectiveness and Transparency in Management of Public resources (EFFECT)** – FED/2017/039-020. The overall objective of the EFFECT programme is to contribute to the sustainable and inclusive economic growth through increased mobilisation and effective use of domestic resources. The specific objective is to improve accountability, transparency and effectiveness in management of public resources and increase domestic revenue mobilisation. The **expected results** are:

- Parliamentary budgetary oversight function is reinforced;
- Oversight of public spending by the Office of the Auditor General is improved;
- **Operations of the Anti-Corruption Commission have improved and the fight against corruption is reinforced;**
- Planning, budgeting and management of public resources is improved;
- The revenue base is enhanced through improved domestic revenue mobilisation.

This call for proposals corresponds to the third expected result of the programme, namely: Operations of the Anti-Corruption Commission have improved and the fight against corruption is reinforced.

This twinning project will be managed through direct management.

**For UK applicants:** Please be aware that following the entry into force of the EU-UK Withdrawal Agreement<sup>1</sup> on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014<sup>2</sup> and Annex IV of the ACP-EU Partnership Agreement<sup>3</sup>, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom<sup>4</sup>. Those persons and goods are therefore eligible under this call.

**1.2 Twinning Sector:** Justice and Home Affairs, Integrity & Anti-Corruption (JH)

**1.3 EU funded budget:** € 2 000 000

**1.4 Sustainable Development Goals (SDGs) addressed:** SDG 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 2. Objectives

### 2.1 Overall Objective

The *overall objective* is: **“To strengthen the capacity of the Anti-Corruption Commission in Zambia, thereby enhancing the accountability, transparency and effectiveness in management of public resources.”**

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<sup>1</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

<sup>2</sup> Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

<sup>3</sup> Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

<sup>4</sup> Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

## 2.2 *Specific objective*

The *specific objective* is: ***“To strengthen the management and technical capacity of the Anti-Corruption Commission as well as improve its cooperation with other institutions involved in the fight against corruption.”***

## 2.3 *The elements targeted in strategic documents*

Corruption is identified as a binding constraints to socio-economic transformation and national development in the Seventh National Development Plan (7NDP 2017-2021), which prioritises the review of the National Anti-corruption Policy to strengthen transparency and accountability mechanisms, under Development Outcome 2: “Improved Transparency and Accountability”. The 7NDP also envisioned that the decentralisation of the National Prosecution Authority will contribute to strengthening the prosecution system and contribute directly to “improved rule of law, human rights and constitutionalism” (Development Outcome 5).

The Anti-Corruption Commission (ACC) in Zambia was established in 1980 under an Act of Parliament, the Corrupt Practices Act No. 14 of 1980. The 1980 Act was repealed by the Anti-Corruption Act No. 42 of 1996, which in turn was repealed by the Anti-Corruption Commission Act No. 38 of 2010. This Act was also repealed and replaced by the Anti-Corruption Act No. 3 of 2012.

In 2003, the ACC, in consultation with various stakeholders, developed a Strategic Plan for 2004-2008. Lessons learnt from the implementation of this plan highlighted the need to strengthen the action of the Commission in the prevention of corruption. As a result, the subsequent Strategic Plan (2009-2013) shifted emphasis from investigations and prosecutions to corruption prevention. However, the Commission’s current Strategic Plan (2017-2021) focuses on building the capacity of the institution in all areas of operations in order to rebuild public confidence in the ACC.

The main laws regulating fight against corruption in Zambia are:

- Anti-Corruption Act No. 3 of 2012;
- Prohibition and Prevention of Money Laundering Act No. 14 of 2001 (As amended by the Act No.44 of 2010);
- Anti-Terrorism Act No. 21 of 2007;
- Forfeiture of Proceeds of Crime Act No. 1 of 2010;
- Public Interest Disclosure (Whistle-blower Protection) Act No. 4 of 2010;
- Plea Negotiation and Agreements Act No. 20 of 2010;
- Financial Intelligence Act No. 46 of 2010;
- Bank of Zambia Anti-Money Laundering directives, 2004;
- Banking and Financial Services Act CAP 387 of the Laws of Zambia;
- The Public Finance Management Act No. 1 of 2018;
- National Prosecution Authority Act No. 34 of 2010;
- The Mutual Legal Assistance in Criminal Matters Act CAP 98 of the Laws of Zambia;
- The Penal Code CAP 87 of the Laws of Zambia;
- Criminal Procedure Code (CPC) CAP 88 of the Laws of Zambia.

Zambia’s Anti-Corruption Act is the principal anti-corruption law. It criminalises attempted corruption, active and passive bribery, bribing a foreign official and abuse of authority of office. Corruption is punishable by a fine, forfeiture of any benefit gained from the corruption offense, including money, and a prison term of up to fourteen years. Corporate bodies, unincorporated bodies, managers, and directors may be held liable for corruption offenses under the Anti-Corruption Act. Private sector bribery is criminalised by the Act as well. Bribery of foreign public officials is prohibited by law.

In support of the fight against corruption, the Prohibition and Prevention of Money Laundering Act criminalises money laundering, increases penalties for financial crimes and allows for seizure of assets in cases related to money laundering. Zambian public officials are not subject to financial disclosure laws. The Parliamentary and Ministerial Code of Conduct prohibits ministers from soliciting or accepting transfers of economic benefit other than those of nominal value, including customary gifts, and gifts from family members. Section 87 of the Anti-Corruption Act No. 3 of 2012 requires all public bodies to maintain a register of gifts, however, the maximum value of allowed gifts is not set. Zambia lacks adequate regulations on facilitation payments and freedom of information. The Public Interest Disclosure Act provides legal protection for civil servants or private sector employees reporting cases of corruption, but the law does not adequately protect whistle-blowers.

Zambia has ratified the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption. Zambia is also party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. In addition, Zambia is party to Southern Africa Development Community Protocol Against Corruption (SADCPAC).

### **3. Description**

#### **3.1 Background and justification**

Zambia has made progress in the fight against corruption in the last decade, as reflected by major improvements recorded in main governance indicators. The legal and institutional frameworks in the fight against corruption have been strengthened, and efforts have been made to reduce red tape and streamline bureaucratic procedures, as well as to investigate and prosecute corruption cases, including those involving high-ranking officials.

In spite of progress made, corruption remains a serious issue in Zambia, affecting the lives of ordinary citizens and their access to public services. Zambia is the 113<sup>th</sup> least corrupt nation out of 180, according to the 2019 Corruption Perceptions Index (CPI) reported by Transparency International. In 2019, Zambia's score was 34/100<sup>5</sup>, below the global average of 43/100 and marginally above the regional Sub Saharan Africa (SSA) average of 32/100, with a 1 point decline compared to 2018. Zambia's CPI ranks 16<sup>th</sup> in the SSA region.

The ACC has about 330 staff including investigators and prosecutors focusing on cases of mismanagement of funds, corruption and abuse of authority of office. The ACC also uses the Auditor General's reports to initiate investigations under its mandate. In 2012, the ACC signed a Memorandum of Understanding with the Auditor General's Office enabling the Commission to access information relating to corruption arising from audits undertaken by the Auditor General's office in a timely manner. This means that ACC may commence investigations even prior to the release of the Audit Report of the Auditor General.

Over the past years, the Commission has investigated and prosecuted a number of cases arising from the Auditor General's report. For example, between 2018 and 2019 a total of thirty-one (31) corruption cases were investigated, all arising from the Auditor General's reports. In 2019, the ACC investigated a total of fifteen (15) of the cases arising from the Auditor-General's report.

The ACC is mandated to perform three functions, namely:

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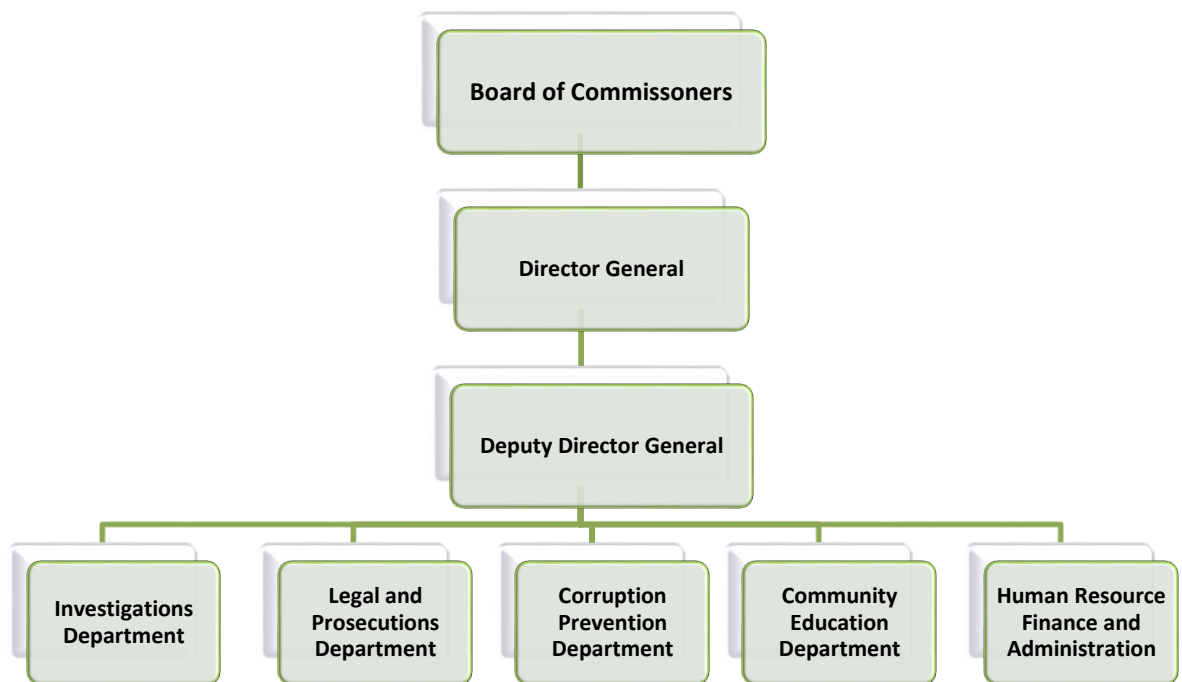
<sup>5</sup> The CPI uses a scale from 0 to 100: 100 is very honest and 0 is highly corrupt.

- (a) To prevent and take necessary and effective measures for the prevention of corruption in public and private bodies.
- (b) To initiate, receive and investigate complaints of alleged or suspected corrupt practices, and, subject to the directions of the DPP, prosecute offences under the ACC Act.
- (c) To create public awareness and solicit for support in the fight against corruption and related offences.

Based on the above functions of the Commission, the five departments under the Director General carry out their responsibilities as follows:

- a) ***Investigations Department (ID)*** - responsible for the investigation of corruption and other related crimes. The department initiates, receives and investigates complaints of alleged or suspected corrupt practices.
- b) ***Legal and Prosecutions Department (LPD)*** - responsible for prosecuting offences under the Anti-Corruption Act No 3 of 2012. Its functions include prosecution of corruption cases; providing legal advice to the Commission; undertaking legal research and legislative review; and handling civil matters.
- c) ***Corruption Prevention Department (CPD)*** - responsible for providing technical and advisory services to public and private sector institutions with the objective of preventing the occurrence of corruption. To this end, the department develops measures and interventions to prevent the occurrence of corruption; liaises with respective public bodies to develop and implement programmes and activities aimed at enhancing integrity and public service delivery; leads the Commission's coordinating role of government anti-corruption programmes and activities; and examines practices and procedures of public and private bodies in order to facilitate the discovery of corrupt practices and recommend operational procedures.
- d) ***Community Education Department (CED)*** - responsible for disseminating information and fostering public support against corruption through education and awareness programmes. It also cultivates and manages relationships with stakeholders and promotes the vision and corporate identity of the ACC. The principal functions of the department are to: disseminate information to the public and enlist their support against corruption; cultivate and coordinate relationships with civil society and non-governmental organisations (NGOs); produce and provide systematic information on corruption and the ACC; and conduct educational campaigns aimed at the general public.
- e) ***Human Resource, Finance and Administration Department (HRFAD)*** - responsible for providing resource management and administration services to support the delivery of the operational outputs of the other departments in the Commission. HRFAD, among others, manages and develops human resources; manages financial resources; provides administration and secretarial services; provides information technology and communication services and records management; and conducts research, monitoring and evaluation.

The ACC organisational structure below highlights the Commission's functions described above:



While the ACC has improved its ability to investigate cases, the relatively low prosecution rate has undermined Zambian citizen's confidence.

The ACC faces a number of critical challenges that affect its continued ability to function effectively and efficiently. The main challenges include:

- Detection, reporting and averting acts of corruption is seen as the sole responsibility of the ACC by the public.
- General reluctance or delay in reporting cases of corruption by the public.
- Limited expertise in the ACC or other government institutions to assist in the conduct of investigations or prosecution of cases.
- Lack of policies and guidelines on corruption or publication of the same by institutions to avert corruption.
- Lack of understanding of the offence of “being in possession of unexplained property” by stakeholders unless the unexplained property is clearly seen to originate from particular corrupt activities.
- Inadequacies in the Public Interest Disclosure (Whistle Blower Protection) Act to protect whistle blowers or witnesses.
- Lack of legislation for asset declaration for the general public service. However, some institutions have established mechanisms for asset declaration.
- Not all public servants are inducted on the general principles and values of public service.
- Inadequacies in legislation to enforce recommendations made by the ACC on offences of maladministration.
- Lack of an effective anti-corruption network to energise efforts against corruption.

Despite the aforementioned challenges, President Edgar Chagwa Lungu has demonstrated his Government’s commitment to fighting corruption. In his opening speech to Parliament after the 2016 election victory, he said: *"The fight against corruption, in all its forms, is a key tenet of democracy and good governance. My administration will, to this end, not relent in its fight against corruption, money laundering and drug trafficking. We will take the fight against these vices to every corner of the country and to every institution, be it public or private. There will be no sacred cows."*



In 2020, during the Parliamentary address, the President again reemphasises that, “*We must all hate corruption in order to fight and eradicate it because corruption is the number one enemy of sustainable development and good governance.*”

### **3.2 Ongoing reforms**

Zambia is implementing the National Anti-Corruption Policy and its Implementation Plan. The policy provides three measures for addressing corruption namely institutional, legal and social. A number of interventions have been instituted using these three measures. For instance, in his address to Parliament in March 2020, President Lungu noted that under the social measures, anti-corruption content in the school curriculum was introduced at primary and secondary level, meant to instil high integrity values in young people.

Under legal measure, the country has enacted new laws and revised existing ones with a view of strengthening the legal framework. Further, the ACC has facilitated the establishment of integrity committees in public and some private sector institutions aimed at institutionalising corruption prevention.

Other reforms include:

- *Development of Public Service Charters in Government Institutions:*  
This is an on-going Government reform. Cabinet Office has issued instructions to Government Institutions to develop tools to enhance public service delivery through provision of information to the public that seek a service in order to reduce incidences of corruption among other issues. This initiative is being spearheaded by the Management Development Division (MDD) at Cabinet Office. Some of the institutions that have already developed and implemented the charters include the National Registration and Citizenship Office, Ministry of Lands, Zambia Police Service and the Drug Enforcement Commission.
- *Implementation of the Public Code of Ethics:*  
This is implemented under the Public Service Management Division (PSMD) of Cabinet Office. The code of ethics guides public service workers on their expected decision making and conduct in public service. It was launched in 2008 and is under implementation in the public service sector.
- *Establishment of the Ministry of National Guidance and Religious Affairs to promote the development of National Values and Principles among other responsibilities:*  
The country has established the Ministry of National Guidance and Religious Affairs to re-enforce integrity and ethics in Zambia as enshrined in the Republican Constitution. The ministry is currently developing a National Policy to guide the implementation of the national values and principles. This will have a cascading effect in the fight against corruption.
- *Creation of a Single Treasury Account (STA):*  
This account was launched by the Zambian Government in 2016 through the Ministry of Finance to enhance monitoring of public funds by spending Government Institutions. The STA has improved fiscal management and more efficient implementation of monetary policy. Where there is improved fiscal management, incidences of corruption may reduce.
- *Introduction of Integrated Financial Management and Information Systems (IFMIS):*  
The IFMIS has been fully implemented in the public sector so that financial transactions are fully conducted electronically. This has reduced human involvement in the payment cycle which has enhanced accountability,

transparency, monitoring and tracking of transactions thereby reducing incidences of corruption.

- *Development of Electronic Government Systems and Electronic Commerce in the private sector:*

The electronic systems implemented in both the public and private sectors have improved efficiency and reduced incidences of bureaucracy in the provision of services. It has reduced human involvement in transactions and execution of mandates thereby reducing incidences of corruption.

### **3.3 *Linked activities***

The “Against Corruption Together” (ACT) project was a GBP 5.164 million DFID investment with the purpose; *“to reduce occurrences of corruption by enhancing the capacity of Zambian institutions to implement and monitor anti-corruption initiatives”*.

The project sought to have an impact by supporting a multi-pronged approach to corruption through the following measures:

- i. Effective coordination and monitoring of National Anti-Corruption Policy (NACP) implementation;
- ii. Sector specific anti-corruption initiatives facilitated and monitored by the ACC in selected public institutions;
- iii. Increased effectiveness in corruption investigations and prosecutions;
- iv. Increased citizen involvement in and oversight of anti-corruption initiatives;
- v. Increased engagement of parliamentary and political actors in anti-corruption initiatives.

According to the DFID ACT programme completion report of April 2015, the ACC with the support of DFID among others achieved the following:

- 49 convictions for corruption from 569 cases investigated;
- 104 cases presented for prosecution as a result of completed investigations;
- 112 cases recommended for disciplinary / administrative action;
- 43 Integrity Committees established in Ministries, Departments and Agencies (MDAs) to monitor and combat corruption;
- 25 Corruption Vulnerability Assessments undertaken in MDAs with follow-up system improvements on recommendations;
- 145 Civil Society Organisations supported to undertake localised anti-corruption initiatives and programmes;
- Educational outreach programmes and messages reaching over 5.1 million Zambians.

Furthermore, the ACT completion report highlighted the impact of the project as follows:

- A more effective, competent and professional ACC commanding national recognition and credibility;
- An increasingly credible partner for MDAs in building integrity systems and anti-corruption resistance;
- Increased public confidence in the effectiveness of GRZ tackling of corruption;
- Overall reduced incidence of bribery nationally.

### **3.4 *List of applicable standards/norms***

- Council of Europe Resolution (97) 24 on Twenty Guiding Principles against Corruption 1997;
- Treaty on European Union on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union 1997;
- Council of Europe Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector;

- UN Convention against Corruption;
- United Nations Office on Drug and Crime (UNODC);
- The United Nations Convention against Transnational Organised Crime;
- United Nations Convention Against Illicit Trafficking in Narcotic and Psychotropic substances;
- International Convention for the Prevention and Prohibition of Money Laundering;
- African Union Convention on Preventing and Combating Corruption (AUCPCC);
- Southern Africa Development Community Protocol Against Corruption (SADCPAC).

### ***3.5 Components and results per component***

#### **Component 1: Review and strengthen anti-corruption related legislation and regulatory framework and publish legislation/policy guidelines to improve enforcement and compliance.**

Result 1.1: Current legal framework, identification of gaps with a view of updating the existing laws and drafting new ones where necessary is assessed;

Result 1.2: Capacities of the ACC in developing the next strategic plan and the regulatory framework are strengthened.

#### **Component 2: Enhanced detection, investigation, forensic support (including in high profile investigations) and prosecution of corruption cases.**

Result 2.1: ACC's capacity to detect corruption-related crimes and conduct investigations is improved;

Result 2.2: ACC's capacity to prosecute corruption cases is improved;

#### **Component 3: Prevention of corruption strengthened through anti-corruption education and public awareness raisings including through training of ACC focal point persons in public and private sector representative bodies.**

Result 3.1: Public confidence in the ACC is enhanced;

Result 3.2: Partnerships with other public and private bodies involved in the fight against corruption is enhanced;

Result 3.3: Integrity and ethical values among members of Parliament is enhanced.

#### **Component 4: Establishment and strengthening of network of collaborators within government agencies involved in the fight against corruption (National Audit Office, ZRA, Financial Intelligence Unit, Zambia Public Procurement Authority, National Assembly of Zambia and other law enforcement institutions).**

Result 4.1: An effective network between government agencies for cooperation in the fight against corruption is developed.

### ***3.6 Means/input from the EU Member State Partner Administration(s)***

The project will be implemented through twinning between the final beneficiary country and EU Member State(s) with the EU Delegation signing the twinning grant agreement on behalf of GRZ. The implementation of the project requires one project leader (PL) with responsibility for the overall supervision and coordination of project activities. The PL will be supported by one resident twinning adviser (RTA) who will manage implementation of project activities. The implementation of the project will also require four component leaders (CLs) and a pool of short-term experts (STEs) within the limits of the budget. The RTA will work directly with the

ACC. It is essential that the team has sufficiently broad expertise to cover all areas included in the project description.

Proposals submitted by Member State shall be concise and focussed on the strategy and methodology and an indicative timetable underpinning this, the administrative model suggested, the quality of the expertise to be mobilised and clearly show the administrative structure and capacity of the Member State entity/ies. Proposals shall be detailed enough to respond adequately to the twinning fiche, but are not expected to contain a fully elaborated project. They shall contain enough detail about the strategy and methodology and indicate the sequencing and mention key activities during the implementation of the project to ensure the achievement of overall and specific objectives and mandatory results/outputs.

The interested Member State(s) shall include in their proposal the CVs of the designated PL and the RTA, as well as the CVs of the potentially designated CLs.

The twinning project will be implemented by close co-operation between the partners aiming to achieve the mandatory results in sustainable manner.

The set of proposed activities will be further developed with the twinning partners when drafting the initial work plan and successive rolling work plan every three months, keeping in mind that the final list of activities will be decided in cooperation with the twinning partner. The components are closely inter-linked and need to be sequenced accordingly.

### 3.6.1 Profile and tasks of the PL

The EU MS project leader (PL) will be responsible for the overall planning and implementation of the Member States' inputs in this twinning project.

The EU MS project leader (PL) will, in cooperation with the ACC appointed PL, be responsible for the organisation and functioning of the project's Steering Committee, which includes the RTA and representatives of the leadership of ACC, the National Authorising Office for the EDF and the EU Delegation.

#### *Qualifications, experience and skills **required**:*

- At least a Master's degree or equivalent in a field relevant to this project **or** alternatively, a Bachelor's Degree or equivalent in a field relevant to this project **and** an additional 2 years' of relevant professional experience in public administrations (i.e. in addition to that required below) **or** in the absence of a Bachelor's degree, an additional 5 years of professional experience in public administrations (i.e. in addition to that required in the next point below);
- At least 3 years' of relevant professional experience in public administrations in an area relevant to the project as part of the overall professional experience;
- Have a proven contractual relation to a public administration or mandated body (see Twinning Manual section 4.1.4.2);
- Very good command of English equivalent to C1 level<sup>6</sup>, both orally and written;
- Computer literacy.

The following experience and skills will be considered **assets**:

- The Project Leader (PL) from the Member State (MS) should be a high-ranking public servant or equivalent staff.

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<sup>6</sup> Please refer to website <https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>. Level C1 is the second highest level of proficiency and is stated as: "Can understand a wide range of demanding, longer texts, and recognise implicit meaning. Can express him/herself fluently and spontaneously without much obvious searching for expressions. Can use language flexibly and effectively for social, academic and professional purposes. Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organisational patterns, connectors and cohesive devices."

- Good knowledge of EU legislation regarding the fight against organised crime and corruption;
- Comparative knowledge of national experiences;
- Work experience in providing technical assistance or with twinning in an area relevant to the project;
- Experience in managing, or assisting in the management of, at least one (1) project fighting against organised crime and corruption;

*Tasks:*

- Together with the beneficiary country's PL, overall management and coordination of the twinning project;
- Ensure timely and effective implementation of the project and achievements of results;
- Coordination of deployment of short-term experts;
- Ensure efficient use of the project resources and inputs;
- He/she will, together with the beneficiary country's PL, be responsible for the modification of the project work plan as deemed necessary during the life time of the project;
- Co-chair the regular Project Steering Committee meetings with the beneficiary country's Project Leader;
- Communicate with the beneficiaries and the EUD;
- Responsible for interim and final reports together with beneficiary country's PL;
- Participation in communication and visibility activities is expected;
- Assuring compliance with EU requirements.

### 3.6.2 Profile and tasks of the RTA

One resident twinning advisor (RTA) will be appointed and will reside in Zambia for the duration of the project and will work on the ACC Zambia premises under the supervision of the member state project leader and the ACC (beneficiary country) project leader.

*Qualifications, experience and skills **required**:*

- At least a Bachelor's degree or equivalent in law or any other fields related to the assignment **or** in the absence of a Bachelor's degree, an additional 3 years of professional experience in public administrations (i.e. in addition to that required in the next point below);
- At least 5 years of relevant professional experience working in the field of justice and/or home affairs;
- Proven contractual relation to a public administration or mandated body (see Twinning Manual 4.1.4.2);
- At least 3 years of specific experience in the investigation of corruption with the use of special investigative means (SIMs)<sup>7</sup>;
- Very good command of English equivalent to C1 level, both orally and written;
- Computer literacy;
- Good communication skills.

The following experience and skills will be considered as **assets**:

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<sup>7</sup> This can be included, in whole or in part, in the 5 years of relevant professional experience in the field of justice and/or home requested in the point above;

- Working experience in organisational management and human resources within justice and/or home affairs sector;
- Experience in organising and conducting trainings;
- Previous experience in project management or twinning project(s);
- Experience in the fight against corruption in non-EU countries.

*Tasks:*

- Draft the work plan in close cooperation with all relevant actors and based on the expected results of the project;
- Ensure timely implementation of the twinning project at the ACC;
- Provide technical assistance and advice to the representatives of beneficiary administration;
- Organise all project activities, such as workshops, study visits, trainings and short-term expertise, etc.;
- Together with the MS Project Leader and the ACC Project Leader, mobilise and supervise the short-term experts;
- Coordinate all project activities and experts' inputs at the ACC including experts' reports;
- Prepare regular project monitoring meetings / briefings;
- Regularly update the work plan and transmit project updates to the Project Steering Committee under the authority of the Member State and the ACC Project Leaders;
- Draft the interim progress reports to be finalised by the Project Leaders;
- The RTA should ensure continuous coordination on the overall implementation of project activities with regular updates.

3.6.3 Profile and tasks of Component Leaders:

The Component Leaders (CL) are experts from EU Member State responsible for a specific component/mandatory result/output in a twinning project.

*Qualifications, experience and skills **required**:*

- At least a Bachelor's degree or equivalent in management, public administration, economics, law, accounting or other field related to the assignment **or** in the absence of a Bachelor's degree, an additional 3 years of professional experience in public administrations (i.e. in addition to that required in the next point below);
- At least 5 years of relevant professional experience in public administrations;
- At least 3 years of relevant experience in the issues dealt with by the specific component they will be in charge of as part of the overall professional experience<sup>8</sup>;
- Very good command of English equivalent to C1 level, both orally and written;
- Good communication skills.

The following qualifications, experience and skills can be seen as an **asset**:

- Experience with EU-funded twinning projects.

3.6.4 Profile and tasks of other short-term experts

Short term experts (STEs) are to be made available for the implementation of the twinning project. The STEs will deliver their expertise under the overall responsibility of the Member State PL and under the coordination and supervision of the RTA. STEs are expected to perform specific tasks / activities, and the expected experts' outputs/deliverables shall be established

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<sup>8</sup> This can be included, in whole or in part, in the 5 years of relevant professional experience in public administrations requested in the point above;

when creating the twinning work plan which will include the drafting of the STEs' Terms of Reference.

*Qualifications, experience and skills **required**:*

- At least a Bachelor's degree or equivalent in management, public administration, economics, law, accounting or other field related to the assignment **or** in the absence of a Bachelor's degree, an additional 3 years of professional experience in public administrations (i.e. in addition to that required in the next point below);
- At least 5 years of relevant professional experience in the respective field;
- Very good command of English equivalent to C1 level, both orally and written;
- Good communication skills.

#### **4. Budget**

The maximum EU contribution to the twinning contract is € 2 000 000.

#### **5. Implementation Arrangements**

##### **5.1 Implementing Agency responsible for tendering, contracting and accounting**

Contact person:

Mr Raniero Leto

Head of Finance, Contracts and Audits Section

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##### **5.2 Institutional framework**

The twinning project will support one beneficiary organisation, the ACC, that will ensure effective and efficient implementation of the project and the achievement of results. To a large extent, the Investigations and Prosecutions Department will be most involved in the implementation and benefit most from the programme. The Corruption Prevention, Community Education, and Corporate Affairs Departments (i.e. Human Resource, Finance and Administration) will also be involved and benefit from the project.

##### **5.3 Counterparts in the Beneficiary administration**

The Zambian Project Leader (PL) / RTA counterpart shall be a senior civil servant at decision-making level. S/he will act as the counterpart of the Member State PL. S/he will ensure the overall steering and coordination of the project from the Zambian side, including proper policy dialogue and political support. The PL's seniority will ensure her/his ability to mobilise the necessary staff in support of the efficient implementation of the project. S/he will furthermore co-chair the Project Steering Committee with the RTA.

###### **5.3.1 Contact person**

Elizabeth Mulenga (Mrs)

Chief Human Resource and Administration Officer

Anti-Corruption Commission

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Fax: +260 211 237828

E-mail: [emulenga@acc.gov.zm](mailto:emulenga@acc.gov.zm)

### 5.3.2 *PL counterpart*

Rosemary Nkonde- Khuzwayo (Mrs)  
Acting Director General  
Anti-Corruption Commission

### 5.3.3 *RTA counterpart*

Dorothy H. Cheelo (Mrs)  
Director – Community Education  
Anti-Corruption Commission

## 6. Duration of the project

The initial project duration will be 36 months.

## 7. Management and reporting

### 7.1 *Language*

The official language of the project is the one used as contract language under the instrument (English). All formal communications regarding the project, including interim and final reports, shall be produced in the language of the contract.

### 7.2 *Project Steering Committee*

A project steering committee (PSC) shall oversee the implementation of the project. The main duties of the PSC include verification of the progress and achievements via-à-vis the mandatory results/outputs chain (from mandatory results/outputs per component to impact), ensuring good coordination among the actors, finalising the interim reports and discuss the updated work plan. Other details concerning the establishment and functioning of the PSC are described in the Twinning Manual.

### 7.3 *Reporting*

All reports shall have a narrative section and a financial section. They shall include as a minimum the information detailed in section 5.5.2 (interim reports) and 5.5.3 (final report) of the Twinning Manual. Reports need to go beyond activities and inputs. Two types of reports are foreseen in the framework of Twinning: interim quarterly reports and final report. An interim quarterly report shall be presented for discussion at each meeting of the PSC. The narrative part shall primarily take stock of the progress and achievements via-à-vis the mandatory results and provide precise recommendations and corrective measures to be decided by in order to ensure the further progress.

## 8. Sustainability

The twinning project objectives and activities respond and contribute to the 4<sup>th</sup> Strategic Plan of the ACC (issued in 2017), as well as to the 2019-2022 PFM Reform Strategy (drafted in November 2018). The project will increase the skills and efficiency of the ACC in Zambia and support further reforms and dynamic development within the organisation.

## 9. Crosscutting issues

*Civil society / stakeholder involvement*



Civil society (CSO) / stakeholder involvement is of great importance for the ACC to communicate in a transparent and effective way with the general public. Therefore, civil society / stakeholders will be considered in all aspects of EU-funded activities in order to strengthen CSOs' capacities and professionalism, allowing them to engage in an effective dialogue with ACC and providing them with the opportunity to monitor developments in areas such as the management of EU funds.

#### Equal Opportunities and non-discrimination

Promoting a (gender) diverse workplace will be a strong element in strengthening the institutional capacity of the ACC. This project will work to address the promotion of equal opportunities at the workplace, mainly by promoting women where possible to higher positions within the organisation.

#### Environment and climate change

The European Union attaches great importance to the protection of the environment and climate change, as noted in the priorities of the European Commission President, such as *A Green Deal for Europe*, which are mirrored in EU's new Africa Strategy. Likewise, the Government of Zambia attaches great importance on fighting climate change and conserving the environment. This project is expected to have a neutral impact on the environment. The project's operation will ensure that environmental efficiency measures are respected and resources and recycling methods are efficiently used (e.g. paper recycling, recycling of printer toner, etc.). SMART Zambia initiatives to create e-Government is also highly supporting paperless and online processes within the organisation. Furthermore, it is expected that all flights related to this project are off-set against their CO2 emissions.

### **10. Conditionality and sequencing**

The project includes the following key condition:

Capacity building requires sustained ownership and strategic commitment from the ACC and significant investment in terms of resources and expertise. The ACC is committed to appoint adequate, qualified and competent staff to participate in the project implementation, as well as allocate appropriate working space and facilities for staff engaged under the twining grant contract.

### **11. Indicators for performance measurement**

Please see the results framework.

### **12. Facilities available**

The beneficiary will make available the necessary infrastructure for Member State(s)'s experts to carry out their tasks. The beneficiary should provide equipped office space for the RTA, the RTA assistant and the short-term experts. The beneficiary is expected to set up an office unit dedicated to the implementation of the project and to make available, free of charge, meeting rooms and training spaces for the implementation of project activities, as well as conference facilities, unless it is justified to use other rented premises.

## **ANNEXES TO PROJECT FICHE**

1. The simplified logical framework matrix as per Annex C1a (compulsory)
2. Indicative schedule (example)

## ANNEX 1 - Logical Framework

Description	Indicators	Baseline	Target data	Target Group			Sources of verification	
<b>Overall Objective:</b> To improve the effective use of public funds by reducing corruption in Zambia	Corruption Perceptions Index	2019 – 34/100	Y1 – 35/100 Y2 – 36/100 Y3 – 37/100		Transparency International CPI		Country assessment of SDGs	
Specific (Project) Objective(s)	Indicators	Baseline	Target data	Target Group	Sources of verification	Reporting Dept/Unit	Risks	Assumptions (external to project)
Strengthening the management and technical capacity of the ACC, as well as its cooperation with other institutions involved in the fight against corruption	% concluded investigations that result in prosecution	14.3% (2019; 21 cases prosecuted over 147 concluded investigation cases )	Y1 – 16% Y2 – 18% Y3 – 20%		Case Management System Reports			
<b>Component 1. Review and strengthen anti-corruption related legislation and regulatory framework, and publish legislation/policy guidelines to improve enforcement and compliance.</b>								
<b>Result 1.1:</b> Assessment of the current legal framework, identification of gaps with a view of updating the existing laws and drafting new ones where necessary	Assessment of the current legal framework conducted	1 (Anti-Corruption Act No. 3 of 2012)	Y1: Assessment of the Legal framework and identification of gaps Y2: Drafting of relevant legislation and submitting to the Ministry of Justice	N/A	Assessment Report  Draft legislative instructions	Legal and Investigations	Lack of cooperation from relevant stakeholders	Political will

<b>Result 1.2:</b> Strengthened capacities of the ACC in developing the next strategic plan and the regulatory framework	Number of Policy guidelines	1 (2009 National Anti-Corruption Policy (NACP))	Y1 – 1				Lack of cooperation from relevant stakeholders	
	Regulations on whistle-blower act	0	Y1 – 0 Y2 – 1				Lack of cooperation from relevant stakeholders	
	Next strategic plan	2017-2021 Strategic Plan	Y1 – 0 Y2 – 1				Lack of cooperation from relevant stakeholders	
<b>Component 2. Enhanced detection, investigation, forensic support (including in high profile investigations) and prosecution of corruption cases.</b>								
<b>Result 2.1:</b> Improve the ACC’s capacity to detect corruption-related crimes and conduct investigations	Increase in the percentage of proactive intelligence-led investigations (out of total number of investigations)	16% (2019 - 122 cases supported through intelligence out of 822)	Y1 – 20% Y2 – 35% Y3 – 50%	General Public	Case Management System Reports.  Quarterly reports/returns on proactive intelligence led investigations.	Investigations	Lack of cooperation by witnesses  Lack of cooperation by foreign jurisdictions  Demise of witnesses and suspects	Full staff compliment  Political will on good governance

	Increase the percentage of investigations resulting in prosecutions	3% (2019 - 4/122)	Y1 – 10% Y2 – 20% Y3 – 30%	General Public	Case Management System Reports.  Quarterly reports/returns on investigations.  Quarterly Prosecutions Reports/Returns	Investigations and Legal	Denial/delay of Consent to prosecute by DPP	Full staff compliment  Political will on good governance
<b>Result 2.2:</b> Improve the ACC’s capacity to prosecute corruption cases, including high-profile cases	Percentage of prosecutions leading to conviction  Number of cases dismissed or people acquitted due to procedural flaws or lack of evidence	66.6% (2019; 14 convictions over 21 cases concluded in court)  33.3% (7 acquittals over 21 prosecuted cases)	Y1 – 67% Y2 – 70% Y3 – 75%  Y1 – 33% Y2 – 30% Y3 – 25%	General Public	Case Management System Reports.  Quarterly reports/returns on high profile cases.	Investigations and Prosecutions	Lack of cooperation by witnesses  Interference with evidence  Lack of cooperation by foreign jurisdictions  Demise of witnesses and suspects	Full staff compliment  Political will on good governance  Domestic and international cooperation

	Percentage of high-profile corruption cases resulting in prosecution (out of total number of high-profile corruption cases investigated)	40% (2019 - 8/20)	Y1 – 45% Y2 – 50% Y3 – 55%	General Public	Quarterly reports/returns on proactive intelligence led investigations.	Prosecutions	Lack of cooperation by witnesses Interference with evidence Lack of cooperation by foreign jurisdictions	Full staff compliment
	Percentage of convictions where significant assets have been forfeited	14.3% (3 cases over 21)	Y1 – 15% Y2 – 20% Y3 – 25%		Quarterly Prosecutions Reports/Returns		Demise of witnesses and suspects Denial/delay of Consent to prosecute by DPP	
<b>Component 3. Prevention of corruption strengthened through Anti-Corruption Education and Public Awareness Raisings including through training of ACC focal point persons in public sector and private sector representative bodies.</b>								
<b>Result 3.1:</b> Enhance public participation in anti-corruption initiatives by enhancing ACC's communication and strengthening media and CSOs.	Number of media campaigns organised	2019 - 0	Y1 – 4 Y2 – 5 Y3 – 6	General public	Activity Report	Corporate Affairs	Lack of cooperation from the media houses	Political will Full staff complement
	Number of Civil Society Organisations (CSOs) trained to conduct anti-corruption awareness	100 CSOs	Total – 150 Y1 – 50 Y2 – 50 Y3 – 50	Civil Society Organisations (CSOs)	Activity Reports Quarterly Reports	Community Education/HRA	Lack of cooperation by CSOs	Political will Full staff complement

	Number of Sector Based Information & Education & Communication (IEC) materials produced	3 Sectors (Health, Education & Agriculture)	Total – 5 Y1 – 2 Y2 – 2 Y3 – 1	General Public, Schools, Government Institutions, Private Sectors	Activity Reports  Quarterly Reports	Community Education	Delays in delivery of IEC materials  Lack of Cooperation by targeted Sectors in the provision of information for IEC materials	Full staff complement Political will
	ACC Communication Strategy revised and operationalised	Communication Strategy developed in 2014	Y1 – Revision Y2 – Implementation	All Commission Departments	Reviewed Communication Strategy  Quarterly Reports	All Commission Departments		Full staff complement Political will Cooperation with media houses
	Number media programmes conducted	0	Total number of radio programmes - 78 Y1 – 26 Y2 – 26 Y3 – 26  Total number of TV programmes - 65 Y1 – 13 Y2 – 26 Y3 – 26	General Public	Quarterly Reports	Corporate Affairs	Lack of cooperation by Discussants  Low number of listeners	Full staff complement Political will

	ACC Website redesigned	Basic ACC Website is operational	Y1 – Assessment and redesigning Y2 – operationalisation	General Public	Quarterly Reports	Corporate Affairs	Cooperation from the host (Smart Zambia)	National ICT Systems
	Number of officers trained in Social Media Engagement	None	Total – 15 Y1 – 9 Y2 – 6	Directors 6 Corporate Affairs Officers (CAU) 6 Information Communications Technology (ICT) 3	Training Reports	HRA/Corporate Affairs	Non-availability of specialised trainers in Social Media Engagement	
<b>Result 3.2:</b> Enhanced partnerships with other public and private bodies involved in the fight against corruption	Number of existing MoUs with public bodies involved in the fight against corruption reviewed and operationalised	4	Total – 8 Year 1 – 2 Year 2 – 3 Year 3 – 3	Road Transport and Safety Agency, Patents and Companies Registration Agency, Electoral Commission of Zambia, Securities and Exchange Commission, Ministry of Lands, Zambia Revenue Authority	Memoranda of Understanding	Investigations	Lack of cooperation from targeted institutions  Legal framework	Existing institutional framework  Political will on good governance



	Number of public bodies where sensitisation activities are conducted	89 Public bodies	Y1 – 119 Y2 – 149 Y3 – 179 (+30 new public bodies per year)	Public Bodies	Activity Reports Quarterly Reports	Community Education	Delayed release of funds Lack of cooperation from partners	Timely release of funding
	Content on Anti-Corruption in the Curricula for Colleges and Universities revised	1	Y1 – 4 Y2 – 2 Y3 – 2	Higher Learning Institutions	Activity Reports Quarterly Reports	Community Education	Lack of cooperation from partners	Full staff compliment
	Percentage increase in the number of Integrity Committees (ICs) trained in the Public Sector (out of total number of ICs).	73.3% (Integrity Committees established 105, ICs Trained 77 = 73.3%)	Y1 – 82% Y2 – 90% Y3 – 100% (9 ICs per year)	28 out of the 105 ICs not trained	Training reports Quarterly Reports Letters of Appointment of IC members	Corruption Prevention Department	Lack of cooperation by targeted public bodies Lack of commitment by trainees	Buy-in from public bodies
	Number of Integrity Committees (ICs) trained in the Private Sector	2	Y1 – 2 Y2 – 2	Private Sector	Training reports Quarterly Reports Letters of Appointment of IC members	Corruption Prevention Department	Lack of cooperation by targeted private bodies Lack of commitment by trainees	Buy-in from private bodies

	Number of media houses with whom training in corruption investigative reporting is conducted	2019 - 5 media houses (out of 118 existing media houses)	Y1 – 20 Y2 – 20 Y3 – 20	Media Houses	Training reports	Corporate Affairs	Lack of cooperation by media houses	Buy-in from targeted media houses
	Number of complaints received by focal points from private sector  Number of focal points identified and trained	0  6	N/A  Y1 – 9 Y2 – 12 Y3 – 15					
Result 3.3: Enhanced integrity and ethical values among members of Parliament	Number of integrity and ethical building workshops held	0	Y2 – 5 (5 workshops of 30 members of Parliament each)	Members of Parliament	Training Reports	Prevention	Lack of cooperation from members of Parliament and National Assembly	
<b>Component 4. Establishment and strengthening of network of collaborators within government agencies involved in the fight against corruption (National Audit Office, ZRA, Financial Intelligence Unit, Zambia Public Procurement Authority, National Parliament of Zambia and other law enforcement institutions).</b>								

<b>Result 4.1:</b> Develop an effective Network for Cooperation in the Fight against Corruption	Number of policy documents developed	4	Y1 – 4 Y2 – 6 Y3 – 8		Developed Policy Document	Legal and Investigations/	Lack of cooperation from Stakeholders	Political will
	No. of coordination meetings held to enhance coordination of anti-corruption initiatives among government Ministries and Agencies	4	tbd					

*OVERALL OBJECTIVE: Indicate the global strategic objective which goes beyond the immediate scope of the project but to which the project can contribute. The overall objective should be linked to the general sector reform in the Beneficiary country, as agreed in the framework of the definition of cooperation with the EU.*

*These are the changes in the political, social, economic and environmental global context which will stem from interventions of all relevant actors and stakeholders in the project. These require the involvement of third parties that were not direct beneficiaries of the intervention. Hence, changes are indirectly influenced by EU Intervention.*

*Specific PROJECT OBJECTIVE(S): Identify the specific objective(s) that shall be achieved through the implementation of the twinning project. These are the effects on the political, social, economic and environmental areas targeted by EU intervention as well as changes in behaviour of Beneficiaries of EU intervention.*

*MANDATORY RESULTS/OUTPUTS: Describe each of the results that shall be achieved by the project, as outlined in the Twinning Fiche. Each mandatory result/output should correspond to a "project component". Please include one line per component.*

*INDICATORS: (with relevant baseline and target data): Provide an indication of how the achievement of each component of the mandatory results, from sub results per component to outcomes (specific objectives) and to impact (overall objective), will be measured. Make sure that the indicators define the following, as appropriate: 1. Value of measurement (Quantity or Quality); 2. Baseline and target (values and times); 3. Actors in charge of data collection and reporting;*

*4. Target Group; 5. Deadline for reporting; 6. Place. Baseline and target data, as indicated in the Twinning Fiche, to be mentioned in brackets next to each indicator. Indicators may be revised if deemed appropriate when drafting the initial work plan.*

*SOURCES OF VERIFICATION: For every component, specify the sources of information from which evidence can be obtained that the targets have been achieved: e.g. independent reports, surveys, Official Journal, Commission reports, etc.*

*ASSUMPTIONS: Specify the external conditions and/or third parties initiatives which can influence the implementation of the project to the point that only their fulfilment can guarantee its success. These are the necessary and positive conditions that allow for a successful cause-and-effect relationship between different levels of results.*

**ANNEX 2 - Indicative schedule (example)**

Project Month	1	2	3	4	5	6	7	8	9	10	11	12
<b>RTA and related activities</b>												
<b>RTA start date</b>												
<b>RTA assistant(s) selection(s)</b>												
<b>Horizontal activities</b>												
<b>Initial work plan preparations</b>												
<b>Steering Committees</b>												
<b>Communication and Visibility activities</b>												
<b>Mandatory results/outputs</b>												
<b>Component 1: Title</b>												
<b>Component 2: Title</b>												
<b>Component 3: Title</b>												
<b>Component N: Title</b>												