

U4 Helpdesk Answer2018:14

Country profile: Senegal

Overview of corruption and anti-corruption

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Senegal is a strong regional performer on measures of perceptions of corruption. This result comes from long-term development processes, principally traditions of respect for the rule of law and competitive democratic government. Corruption, nevertheless, remains a significant societal problem in Senegal, and is only gradually reducing as the country's economic and political development continues.

Query

Please provide an overview of corruption and anti-corruption in Senegal. We are particularly interested in information on the factors explaining Senegal's recent improvement on Transparency International's Corruption Perceptions Index (CPI) and the areas where it has continued vulnerability to corruption.

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Overview of corruption in Senegal

Political and economic background

Senegal's positive ranking relative to neighbouring countries in West Africa on international corruption indices owes much to its history of respect for the rule of law, democratic government, and openness to civil society and a free press. These traditions have been embedded in Senegalese society over the last four decades, although different political regimes have demonstrated varying levels of commitment in practice to these principles.

Senegal's first president following independence from France, Leopold Sedar Senghor (1960–1981) initially ruled under a one-party system at the head of the Parti Socialiste (PS). Senghor laid the foundations for democratic rule when, in 1978, he introduced a controlled form of democracy based on a three-party political system, before stepping down and handing over power to his prime minister, Abdou Diouf, in 1981. Diouf subsequently

Main points

- Senegal has registered gains on the CPI since 2012. The change in political regime and initial optimism around the anti-corruption campaign launched are the most important explanatory factors for the recent improvement in public perceptions.
- Measures taken by the government include the creation of new anti-corruption institutions and sanctioning past abuses. There are, nonetheless, concerns that the scope and depth of the anti-corruption measures have been influenced by political considerations. These institutions are at a formative stage.
- Practices of clientelism and grand corruption are persistent, although administrative corruption is believed to be substantively lower than in other countries in the region. Public procurement has been a focus of past abuses and remains a major risk area.

won three elections in 1983, 1988 and 1993. Amid periods of economic difficulty caused by falling global prices for Senegal's commodity exports, Diouf continued to liberalise politics, opening up the system to new parties. While his time in government was also affected by allegations of electoral fraud and growing autocracy, Diouf supported Senegal's democratic process by conceding defeat in the 2000 election to his long-term political rival, Abdoulaye Wade (BTI 2018).

As the leader of the Parti Démocratique Sénégalais (PDS) Wade was the first Senegalese leader (2000–2012) from outside the PS. Wade had played an active role in the campaign against single-party rule and had previously contested four presidential elections unsuccessfully. He came to power on a promise of bringing improvements to governance, introducing in 2001 a new constitution limiting presidential office holders to two terms in office. A peace agreement signed in the same year with rebel groups in the Casamance region in southern Senegal also aimed to end a long-running separatist conflict, but was unable to prevent low levels of violence in the region throughout Wade's time in government (BBC 2018)

Wade further sought to develop the country economically through investments in education, health and major infrastructure projects. Growth rates averaged at around 5% from 2000 to 2008, but declined to an average of 3.5% between 2009 and 2013 (BTI 2018). The rate of growth was insufficient to address high levels of poverty and, coinciding with prominent allegations of grand corruption, led to increased opposition to Wade's government. Wade was further perceived to have grown more autocratic during his tenure, wielding control through an extensive patronage system, and working through six prime ministers during 12 years in office. After Wade controversially secured a judgement from the Constitutional Council

allowing him to run for a third term in office, the political opposition unified around his opponent Macky Sall under the umbrella of the Benno Bokk Yakaara (BBY). Sall was elected president in 2012 (BTI 2018).

President Sall had served as prime minister under Wade (2004–2007) before the two became estranged in 2007. Sall has cultivated the image of a reformist, and enjoys strong political and financial support from the international community. In March 2016, Sall organised a referendum to secure public support for 15 major proposals to modernise the country's political regime, which included making changes to the make-up of the Constitutional Council, formally establishing a leader of the opposition in the National Assembly and shortening the presidential term from seven to five years (Le Monde 2016). The changes were approved by 62% of voters on a 38% turnout, although many of the planned changes have yet to be implemented (BTI 2018).

Sall's flagship economic programme receiving support from external donors is the Plan Sénégal Emergent (PSE). It aims for a structural transformation of the Senegalese economy by 2035, and is formed around several high-profile projects including in the agriculture, energy and infrastructure sectors (République du Sénégal 2014). The PSE has supported annual economic growth estimated at above 6.9% for three consecutive years from 2015, but is constrained by limitations in the financial resources available and increased social demand driven by high population growth (African Development Bank 2018).

Economic growth has not translated into broad-based development. Senegal was ranked 164 of 189 countries on the United Nations Development Programme (UNDP) Human Development Index (HDI) in 2018, and 63% of the employed

population are classified as working poor at purchasing power parity (PPP) of \$3.10 a day (UNDP 2018).

As this Helpdesk Answer will outline, anti-corruption has also featured prominently on Sall's agenda since he came into office. The anti-corruption campaign has principally targeted misconduct by senior figures in the Wade government, most prominently the son of the former president, Karim Wade, and has involved the creation or reinvigoration of new institutions, namely a new anti-corruption commission, the Office National de Lutte contre la Fraude et la Corruption (OFNAC) and a specialist court to hear cases of illicit enrichment, the Cour de Répression de l'Enrichissement Illicite (CREI).

There are, nonetheless, concerns that anti-corruption prosecutions have not always followed due process and have been used selectively to undermine Sall's political opponents, with the case of the mayor of Dakar, Khalifa Sall (no relation but a major political rival to Sall), the most contentious example. These concerns led The Economist to write in June 2018 that "fears are growing that democracy in Senegal, long an example for West Africa, is being subverted". Africa Confidential (2018) has similarly commented that "there is no doubt that the shine has come off his [Sall's] image as a reformist democrat". This illustrates well the political dimension to anti-corruption reforms, and it is in this context that recent changes in public perceptions of corruption need to be considered.

Extent of corruption

International indices of corruption levels suggest that over the last five years there has been an improvement in public perceptions of the prevalence of corruption in Senegal. In Transparency International's 2017 CPI, Senegal was ranked 66 of 180 countries, compared to 94

position in 2012. In 2017, it was the eighth best performing country in sub-Saharan Africa and the highest ranked in mainland West Africa. Country scores on the CPI range from 0 (highly corrupt) to 100 (very clean). The biggest improvement in Senegal's score came between 2012, when it scored 36, and 2013, when this rose to 41. By 2016, the score had risen to 45 but remained constant for 2017.

The World Bank's Worldwide Governance Indicators show a similar picture. On the control of corruption indicator, Senegal's percentile rank has improved by nine points from 2012, when this was 50, to 59 in 2015. The percentile rank indicates Senegal's position among all countries globally, where 0 corresponds to the lowest rank and 100 to the highest rank. Going back 10 years to 2007, when Senegal's ranking was 37, progress is clear. However, since 2015, Senegal's ranking has slightly declined to its current position of 55 in 2017. Results from the Afrobarometer survey support a perspective that favourable perceptions of the anti-corruption drive from 2012 may be waning. For the period 2016 to 2018, 44% of 1,200 individuals surveyed believed corruption had increased a lot or somewhat over the last year compared to 29% of respondents who thought corruption had decreased somewhat or a lot.

On the World Bank's broader indicators of governance, Senegal has consistently ranked ahead of regional averages for sub-Saharan Africa. Senegal scores highest on voice and accountability, for which its country percentile rank is 57 against a regional average of 33. It equally scores highly for the region on political stability and the absence of violence/terrorism (43), government effectiveness (40), regulatory quality (49) and rule of law (50).

While Senegal compares well to its neighbours on these indices, corruption continues to present a

major societal problem. A 2016 report commissioned by OFNAC estimated that, over a 12-month period from May 2015 to May 2016, bribe payments had reached CFA118,44 billion (approximately US\$212 million). Based on a survey of 2,336 individuals, OFNAC estimated that one in four Senegalese had exposure to corruption over the same period.

Forms of corruption

Grand corruption

There have been several prominent cases of grand corruption over the last decade in Senegal. A distinction can be drawn between the Wade government (2000–2012), when these cases became more frequent and blazon, and the current Sall government under which the number of scandals has notably diminished (The Atlantic 2013).

The case of Karim Wade, son of the former president, is the highest profile of the corruption scandals which took place under the Wade government. Nicknamed the “minister of the earth and sky”, Karim Wade achieved, with his father’s support, a high concentration of political power which at various times saw his ministerial responsibilities cover the air, energy, infrastructure, international cooperation and transport portfolios. This went hand in hand with the nickname “Monsieur 15%” given to Karim Wade on account of the commissions he was widely suspected to receive from public contracts (Le Monde 2016).

In March 2015, the CREI sentenced Karim Wade to six years imprisonment for illicit enrichment plus a fine of CFA138 billion (approximately US\$241 million). The conviction was based on Karim Wade’s inability to account for his high level of personal wealth, held via a network of shell

companies and bank accounts in offshore jurisdictions, such as the British Virgin Islands and Panama, rather than a specific corrupt act. As we discuss, Karim Wade was controversially pardoned in 2016 amid concerns of due process around his conviction by the CREI.

In addition to this case, there were other controversial stories during the Wade government which suggested misuse of public funds at the top levels of government. These included in 2009 a gift, subsequently returned, of around US\$200,000 paid by the government to a departing resident official from the International Monetary Fund (IMF) (BBC 2009); the construction of a monolithic bronze statute, the Monument de la Renaissance Africaine at a cost of €23m, for which President Wade attempted to personally claim 35% of the site’s revenues in return for intellectual property invested in the project (Le Monde 2016a); and the organisation in 2008 of the international Islamic Conference, for which large-scale construction and infrastructure projects were launched with large amounts of public funds unaccounted for (Transparency International 2012).

If the Sall government has not to date been marked by similar scandals, a case might be made that senior public officials can still enjoy impunity. The presidential pardon of Karim Wade may have helped reinforce this perspective. Another example is the case of Papa Massata Diack, a senior sports official and member of a prominent Senegalese family who has been subject to an international arrest warrant since January 2016 for acting as a “conduit for vote-buying in competitions to host major sporting events, including the Olympics”. The Senegalese government have to date refused to extradite Diack despite substantive allegations of corruption on a grand scale against him (New York Times 2017).

Clientelism

Clientelism, the exchange of goods and services based on informal networks, has an important function in Senegalese politics. This practice was central to Wade's strategy of maintaining authority and political alliances. He maintained a large government structure, which at one point reached 41 different ministries, allowing him to bring potential rivals into his patronage network (Africa Confidential 2010). President Sall has since reduced the size of government and eliminated some parallel state structures, even if the government remains large. Sall's time in office has also not been without occasional allegations of favouritism of family members and close associates, most notably the controversy around the role of his brother, Aliou Sall, in the oil and gas sector (see below).

These practices extend to the civil service as a whole. Although Senegal does run formal recruitment and training processes for civil servants where there is due emphasis on competence and merit, civil servant numbers are supplemented by less rigorous recruitment rounds. The two most recent rounds were in 2012 and 2015 when 5,000 and 1,400 people respectively were recruited without a formal competitive process. This enables the award of positions to supporters from particular ethnic, political or regional groups. It also creates insecurity around job tenure as public positions can be dependent on political support (Africa Integrity 2018).

Administrative and bureaucratic corruption

Senegal has one of the most professional bureaucracies in sub-Saharan Africa. Low-level administrative and bureaucratic corruption is less severe than in other countries in the region but remains an issue. The World Bank Enterprise Survey (2014), which surveyed 601 business owners and managers, found that 11.1% of firms had

experienced at least one bribe payment request compared to an average of 23.7% for the region. The survey indicated that obtaining a water connection and construction permit were the administrative processes most vulnerable to corruption, with 16.7% and 16% of firms respectively reporting that gifts are expected in these transactions. Only 6.3% of respondents said that giving gifts to public officials is expected as a matter of course to "get things done", while in the area of import licences, firms reported no such requests.

For the public services more broadly, the largest survey incorporating questions on corruption is that released by the Afrobarometer. The data for the 2016/2018 round indicates the prevalence of low-level corruption in key state institutions. Excluding individuals who had not had contact with the service in the previous 12 months, 21.1% reported having paid a bribe, or given a gift, to avoid a problem with the police. The same figure for individuals who had used a public clinic or hospital in the last 12 months was 7.1% while 8% of respondents reported incidences of corruption in obtaining documents or permits from state bodies.

Organised crime

West Africa is a transit point for drug trafficking and the problem has affected all countries in the region to varying degrees. A 2013 study by the United Nations Office on Drugs and Crime (UNODC) tracked the flow of drugs from Latin American producers, through West Africa, and on to markets in Europe. The countries at highest risk are those with the weakest governance, namely Guinea and Guinea-Bissau, neighbouring countries to Senegal. Senegal has also been affected by the problem, as shown by a series of major drug seizures in 2015 (Reuters 2015). This trade is facilitated by corruption in border agencies and the police service.

The same weaknesses have been exploited for smuggling goods and people. A 2012 academic paper shed light on illicit networks of smugglers at Senegal's borders. This trade is underpinned by interpersonal connections and well-developed systems of bribery paid to border officers. The paper discussed how access to these corrupt networks was mediated by class and gender, with poorer women representing the primary victims of smuggling (Howson 2012).

Sectors vulnerable to corruption

Public procurement

Public procurement was the primary locus of corrupt activity during the Wade government. The award of high value contracts, such as for infrastructure and public construction works, presented opportunities for the diversion of funds. The aforementioned organisation of the 2008 Islamic Conference is the best example of these practices. Karim Wade headed a special agency, the Agence Nationale pour l'Organisation de la Conférence Islamique (ANOCI), charged with appointing and overseeing contractors undertaking construction and renovation of hotels, public buildings and roads. Africa Confidential wrote in 2010 that Karim Wade's tenure at the agency had become a "byword for wastage and corruption" due to a lack of transparency around contracts agreed and vast extrabudgetary spending. The official spend of CFA72 billion (approximately US\$142 million) was later shown to be over CFA205.2 billion (US\$405 million) (Africa Confidential 2010a).

These problems occurred despite the Wade government having introduced in 2008 a procurement code, the Code des Marchés Publics, and operationalised a public procurement regulator, the Autorité de Régulation des Marchés Publics (ARMP). State agencies' non-compliance

with the code remains common, and some aspects of the regulation, in particular the possibility of awarding contracts through direct negotiation in certain circumstances rather than through public tender, can be open to abuse. Public agencies do not consistently respect information reporting requirements for tenders (Africa Integrity 2018). In its latest annual report covering 2016 (released in 2018) the ARMP notes that 21% of public contracts were awarded through direct negotiation in that year. This percentage has remained between 18% and 21% throughout Sall's time in government which the ARMP indicates is in line with an 18% threshold agreed with the IMF (ARMP 2018).

Corruption in public procurement does not to date appear to have been as pervasive as under the Sall government, and the growing capability of the ARMP appears to be important in this regard. However, some recent contracts which have attracted public criticism are the award in 2016 of a contract through direct negotiation for the production of new biometric identity cards (Africa Integrity 2018) as well as the award through direct negotiation in 2013 of a contract to construct the Thiès-Touba motorway to the China Road and Bridge Corporation (CRBC), a company which at the time was debarred by the World Bank for suspected corruption (Pressafrik.com 2013).

The judiciary

Based on French legal tradition, the Senegalese judiciary is regarded as one of the most effective in sub-Saharan Africa. While judicial independence is formally enshrined in the constitution, the extent of independence has nevertheless come under question in practice, with claims of executive interference in judicial matters, even if this is not necessarily overt (US Department of State 2017). In its 2018 Senegal country report, the Bertelsmann Stiftung Foundation ranks judicial independence in Senegal at 6/10 (where 10 is the highest available

score), noting that while its “professional reputation is relatively good. It does not, however, function completely independently, particularly in cases investigating the political system or involving large economic interests” (BTI 2018).

There have been recent indications of tension between the executive and judiciary. The appointment of judges is generally determined by competency and merit but there have been some complaints in the last year around a lack of transparency with nominations to senior positions in the judiciary. Similarly, senior judges, such as Judge Souleymane Téliko, head of L’Union des Magistrats du Sénégal, have questioned the level of impartiality around the disciplinary process for members of the judiciary (Africa Integrity 2018).

Given the judiciary’s central role in prosecuting cases this has important implications for anti-corruption efforts in the country. Judges do not select their own cases, with the process instead led by the public prosecutor acting under the minister of justice. This leaves the process vulnerable to claims of political selectivity in the choice of cases for prosecution (Africa Integrity 2018).

Administrative corruption in lower level courts, where procedures tend to be lengthy and excessively bureaucratic, is also a prevalent problem.

Oil and gas

The oil and gas sector is nascent in Senegal, but the experience of other countries in West Africa afflicted by the “resource curse” shows it is a sector where good governance is critical to reduce vulnerabilities to corruption. The potential of the sector has only been confirmed since 2014, when the UK firm Cairn Energy made a large oil discovery in offshore Senegal. Several of the largest global oil companies now own acreage in

Senegalese waters, including BP and Total (Financial Times 2018).

To date, there have been no proven cases of corruption in the sector, such as in the allocation of licences, although there have been claims in the press of influence peddling and nepotism. Djibril Kanouté, a former head of the national oil company, Petrosen, became an advisor after leaving office to one firm, African Petroleum, which was able to quickly secure licences (Africa Intelligence 2012). More prominently, President Sall’s brother, Aliou Sall, served as an advisor to another firm, Petro-Tim, which previously held an interest in a valuable offshore oil licence (Africa Confidential 2017). All of these parties have firmly denied any allegations of impropriety, but the connections have created some public distrust around management of the sector and the potential wealth to be gained.

Fisheries

Fisheries is a critical sector supporting livelihoods in Senegal. A 2015 U4 report illustrated how the sector had been damaged by overfishing by international firms, highlighting a “state-corporate crime” nexus between corporate and state actors, which has encouraged unethical or illicit behaviour.

There has been limited transparency around the licence terms agreed with international trawlers, principally Russian vessels, and when contract details have emerged these appear to be highly favourable to the trawlers. Journalistic investigations have uncovered concerns that funds paid to the Ministry of Maritime Affairs in licence fees or penalties have not been remitted to the treasury under both the Wade and Sall governments. These practices have ultimately had an adverse impact on food security and the environmental sustainability of the sector in Senegal.

Overview of anti-corruption in Senegal

Key steps since 2012

Since his entry into office in 2012, President Sall has signalled his commitment to reducing corruption in Senegal. Good governance is one of the three pillars of the PSE, the government's economic plan, with the fight against corruption and non-transparency set as a strategic objective, although specific measurements and milestones are not stipulated (République du Sénégal 2014).

The PSE focuses on the reinforcement of the capabilities of core anti-corruption institutions. In 2012, OFNAC replaced the Commission Nationale de Lutte contre la Non-Transparence, la Corruption et la Concussion (CNLCC), the lead anti-corruption agency under Wade, which was widely regarded as ineffective due to political interference in its operations. It has nevertheless been the CREI, a special court for economic crimes, which had been largely dormant since 1981, which has attracted most attention due its handling of the Karim Wade case. Several other well-known politicians and senior civil servants in the Wade administration have appeared before the court, including a former prime minister, Souleymane Ndiaye, and Bara Sady, a former managing director at the Port of Dakar (Dakaractu.com 2014).

High-profile investigations of past abuses have likely had the most important impact in raising the level of public awareness around anti-corruption. The credibility of the government's campaign, at least in its early stages, was boosted by the appointment of prominent activists in the anti-corruption community to key positions, namely Aminata Touré, a respected human rights campaigner, who served as minister of justice (2012–2013) and prime minister (2013–2014); Nafi Ngom Keïta, the first president of OFNAC

(2012–2016), and a former head of the national audit office who had brought attention to past cases of corruption; and Abdou Latif Coulibaly, a former journalist critical of corruption in the Wade administration, appointed minister for the promotion of good governance (2012–2014), and now minister of culture. President Sall also made a direct personal statement by publishing a personal asset disclosure after coming into office, although other disclosures from ministers and parliamentarians remain confidential (Freedom House 2018).

These highly visible actions have run in parallel to other processes of government reform, often supported by international development agencies, which contribute indirectly to lowering corruption. On-going support to government agencies, such as the procurement regulator, the ARMP, and the Cour des Comptes, the supreme audit institution (see below), has maintained a level of scrutiny over government expenditure and management of public funds, which is often absent in other countries in the region.

The government has further registered improvements in public financial management practices. On the Open Budget Index, Senegal's score for budget transparency has improved from 10/100 in 2012 to 51/100 in 2017, although budget oversight and public participation remain weak. The World Bank's Public Financial Management Strengthening Technical Assistance Project (2014a), has among other measures enhanced the automation of expenditure processing, making it more challenging for funds to be diverted.

Criticisms of the anti-corruption campaign

Despite the commitment made in 2012 and the measures outlined, some actions taken by the Sall government have undermined the credibility of the anti-corruption campaign. These actions correlate

with the drop-off in the upward trend on international indices of corruption perceptions noted previously and suggest public confidence in the anti-corruption campaign may have diminished.

The primary criticism of the anti-corruption campaign is the claim that it has been employed to support a political agenda. There have not been high-profile investigations launched against political allies of President Sall (US Department of State 2017). The Economist (2018) has written that “Sall’s government stands accused of selectively enforcing corruption laws to sideline his opponents” while Africa Confidential (2018) similarly entitled a recent article “President Plays by his Rules”, in which it said that opponents of Sall have accused him of “manipulating the judicial system” to exclude potential challengers in the upcoming 2019 presidential election.

These claims have centred on the handling of the case of Khalifa Sall, mayor of Dakar who had been considered a possible rival for presidency. Khalifa Sall was convicted in March 2018 on charges relating to the misappropriation of municipal funds. In an August 2018 submission for Senegal’s Universal Periodic Review, a human rights monitoring process, Amnesty International, termed the trial unfair, highlighting that Khalifa Sall had been denied bail on several occasions. It also cited a ruling from the Community Court of Justice of the Economic Community of West African States (ECOWAS), a West Africa regional body, which determined that Khalifa Sall’s detention had been arbitrary and his rights to presumption of innocence had been violated (Amnesty International 2018). In August 2018 an appeal court upheld a five-year jail term for Khalifa on charges of fraudulent use of public funds, but found him not guilty of charges of criminal conspiracy, money laundering and misappropriating public funds (France 24 2018).

In its submission, Amnesty International also raised concerns around the handling of the Karim Wade case by the CREI. In particular, it argued that the denial of the full right to appeal of judgements by the CREI does not meet international and regional fair trial standards (see below). It further criticised the arbitrary pre-trial detention of Karim Wade (Amnesty International 2018). In June 2016, President Sall granted Karim Wade a presidential pardon and released him from prison. There are varying opinions on whether this was due to the concerns around the trial process or if there was an underlying political motivation. French newspaper Le Monde described the trial as a “judicial fiasco” which had allowed Karim Wade to portray himself as a victim when this was “far from the case”. It added, however, that the decision to pardon had caused “ill feeling” and was politically calculated, with the Wade family a potential ally for Sall in response to his loss of much popular support. To date, Karim Wade has not paid the fine imposed on him by the CREI (Le Monde 2016).

In addition, President Sall’s decision not to renew the mandate of Nafi Ngom Keïta as the head of OFNAC in 2016 has been seen as controversial. This might be seen on the one hand as an administrative decision, given that Keïta had served her mandated three-year term. Some Senegalese press sources alternatively claimed that the decision was made because Keïta had prepared an annual report which included criticism of the president’s brother, Aliou Sall (Africa Integrity 2018). All of these episodes have elicited debate as to whether the Sall government is always prepared to abide by its proclaimed principles in the anti-corruption campaign when its political interests are at stake.

Legal and institutional framework

International and regional conventions

Senegal ratified the United Nations Convention against Corruption (UNCAC) in 2004 and the African Union Convention on Preventing and Combating Corruption in 2007. In 2016, Senegal also entered into the African Peer Review Mechanism, a voluntary review of governance standards based on self-assessment and exchange of best practice with peer countries. The results from this exercise do not appear to have been published at the time of writing (October 2018).

Domestic legal framework

Senegal's legal framework criminalises corruption with the majority of provisions incorporated into the country's penal code (1965). The code criminalises both the offering and receipt of corrupt benefits. It applies to a broad range of individuals holding public office as well as private organisations when undertaking public works. The code defines bribery broadly and in addition to monetary payments includes the offering of gifts, promises or favours. The code provides for a prison sentence of between two and ten years for individuals convicted of corruption as well as a financial penalty equivalent to the double the value of the benefit offered, requested or received. The financial penalty must be greater than CFA150,000 (US\$263). The action does not have to have resulted in a corrupt benefit for the same penalties to be applied (Africa Integrity 2018).

In 2014, Senegal introduced an asset disclosure law which requires disclosures by the president, cabinet members, senior National Assembly officials, and the managers of large public funds. These disclosures are confidential with the exception of that provided by the president (Freedom House 2018).

The legal status of facilitation payments, small unofficial payments made to speed up routine business transactions, is not fully clear, nor are there specific rules in Senegal regarding corporate gifts and hospitality (GAN Business Anti-Corruption Portal 2017). There is no specific law requiring companies to adopt compliance programmes to minimise the risk of corruption occurring in their operations.

Senegal introduced a law on anti-money laundering (AML) in February 2004. This criminalises money laundering, provides for a range of predicate offences, including corruption, and establishes punitive measures. Senegal has not previously appeared on the Financial Action Task Force (FATF) list of high-risk and other monitored jurisdictions.

Institutional framework

OFNAC

OFNAC is the country's lead anti-corruption agency. Established under law 2012-30 in December 2012, it has a mandate to investigate suspected cases of corruption or fraud and pass dossiers to the judicial authorities for prosecution. OFNAC receives and investigates complaints from the public and manages the country's newly introduced asset disclosure regime. It also carries out preventive activities, such as workshops for public officials and communication campaigns. The organisation has a 12-member board, which is formed of judicial professionals and individuals with expertise in anti-corruption. The board's president is the key executive at the agency and is appointed for three-year terms.

In the annual governance assessment for 2018, the Africa Integrity Indicators score the effectiveness of OFNAC at 50/100. The indicators discuss some internal discord and lethargy at OFNAC following

the departure of the organisation's former head, Nafi Ngom Keïta, which has also seen some investigators dismissed. The indicators note that the agency has not to date succeeded in achieving landmark prosecutions. In its latest annual activity report covering the year 2016 (released publicly in October 2018), OFNAC states that it received 435 complaints in 2016. From these complaints, it undertook 36 investigations and completed 10 investigation reports, four of which were submitted to the judicial authorities. Some details for a limited number of these cases are provided in the 2016 activity report (OFNAC 2016a).

CREI

The CREI's prosecution of the Karim Wade case raised its prominence as an anti-corruption institution. As noted, the CREI had been inactive since it was first created under the Diouf government in the early 1980s, but was reactivated in 2012 by a presidential decree. It acts as a first instance, ad hoc court, having original jurisdiction over illicit enrichment cases. Judges are drawn from a pool of senior judges with special prosecutors and investigators also integrated into the institution itself (U4 2016).

Features of the CREI's processes mean that it is a controversial anti-corruption mechanism. Specifically, judgements made by the CREI can only be appealed to the supreme court on questions of law and not questions of fact, which is "incompatible with the rule of law and Senegal's obligations under various human rights treaties" (U4 2016). As discussed previously, the problems around due process were borne out in the Karim Wade case, which has undermined the legitimacy of the institution. The emerging international criticism of the institution may explain why only

two cases had been settled by the CREI as of September 2017 (Africa Integrity 2018).

ARMP

The ARMP, the national regulator for public procurement, has been active since the introduction of Senegal's procurement code (Code des Marchés Publics) in 2008. The ARMP conducts regular audits of government departments and state agencies to assess the level of compliance with the procurement code. In 2016 it audited 100 state entities managing public contracts (ARMP 2016). Audits are published on the ARMP's website albeit with some delay. The ARMP has the authority to levy sanctions and maintains on its website a list of debarred companies and individuals¹. It receives support from development agencies including the African Development Bank, European Union and World Bank.

Cour des Comptes

Senegal's supreme audit institution, the Cour des Comptes, conducts audits of government agencies and authorities, with its mandate established under the Senegalese constitution. The institution has operational autonomy, although some government expenditure, such as the management of special credit lines, can fall out of its oversight due to secrecy around spending (Africa Integrity 2018). The institution has previously made its annual reports publicly available, but at the time of writing (October 2018), the latest available report on its website dates from 2014.

CENTIF

The Cellule Nationale de Traitement des Informations Financières (CENTIF) is Senegal's

¹ The list can be accessed here: http://www.marchespublics.sn/index.php?option=com_blacklist&task=public&Itemid=120

financial intelligence unit, established as part of the 2004 AML law. The agency is responsible for receiving and analysing suspicious activity reports (SARs) from financial institutions and other regulated businesses. CENTIF has received financial support from the European Union. The agency's annual activity report for 2017 suggests a low level of reporting of SARs, with 165 reports made in 2017, primarily from banks, and from which 16 referrals were made to the public prosecutor. The number of SARs has gradually risen from the 11 reported in the CENTIF's first year of activity in 2005 (CENTIF 2017). The CENTIF is a member of the Egmont Group international network of financial intelligence units.

Other stakeholders

Civil society

Senegal has a positive tradition of engagement by civil society organisations in the country's governance. Its civil society organisations are among the most active and vocal in sub-Saharan Africa (BTI 2018). Freedom House scores the freedom for non-governmental organisations (NGOs), particularly those that are engaged in human rights and governance-related work, at 4/4 in its 2017 country report, stating that NGOs generally operate without interference from state actors. Key areas for engagement by Senegalese civil society groups are the Extractives Industry Transparency Initiative, in which Senegal has participated since 2012 and has recorded satisfactory progress, and the Open Government Partnership, a process that Senegal recently joined in 2018.

Civil society organisations played a vital role in highlighting corruption cases and abuse of power under the Wade government, with many civil society leaders rallying to support Sall's 2012 campaign. Some prominent figures, such as

Aminata Touré, subsequently went into government, but others have returned to taking a critical stance against the government. While the climate for this activism is not restrictive, many organisations suffer from a lack of capacity and resources (BTI 2018). There is also a risk of intimidation: in 2013 the headquarters of Transparency International's local chapter, the Forum Civil, were set on fire, with confidential documents also stolen from the premises (Radio France Internationale 2013).

Media

In its 2017 country report, Freedom House assessed Senegal's press freedom status as "partly free", scoring the country 2/4 for a free and independent media. While the report notes that the Senegalese media sector is "vibrant and diverse", being composed of numerous independent newspapers, television and radio stations which are active alongside state-controlled outlets, the report expresses concerns around potentially restrictive defamation laws. Senegal's score declined from 3/4 due to the introduction of a new press code in June 2017, which maintained and increased criminal penalties for defamation while also granting the government the power to unilaterally close down media outlets. There are concerns that this may place limitations to the constitutional right to freedom of speech (Freedom House 2018).

Analysis: an anti-corruption success story?

Senegal's high ranking relative to other African countries on international indices of perceptions of corruption is justified. However, this should principally be seen as an outcome of long-term processes of improved governance over the immediate consequence of actions taken by specific political administrations.

The conditions which distinguish Senegal from many of its peers in sub-Saharan Africa, and which have provided the enabling environment for higher control of corruption, are the long-term respect for the rule of law and history of competitive democratic governments. These traditions were nonetheless severely tested by the increasingly autocratic form of government evident under President Wade, one manifestation of which was higher levels of grand corruption. These traditions ultimately proved resilient, as the political opposition and activists combined to support a change in political regime.

Senegal's improved scores on the CPI over the last five years have coincided with the overhaul of the country's political regime. Public perceptions around corruption were likely strongly influenced by a high-profile statement of intent to tackle corruption, which focused on attempting to secure quick, early successes by sanctioning individuals implicated in corruption in the previous administration. The early tone set by President Sall was positive, and his government appears to have been less affected by scandal than its predecessor.

Public confidence in the anti-corruption drive appears to have diminished as the limitations around its scope and depth have become apparent. Failure to respect due process in sanctioning cases has damaged the overall legitimacy of the measures taken. The performance of the anti-corruption institutions established, OFNAC and the CREI, as well as flaws in the latter's design, would indicate they do not yet have sufficient power and influence to fulfil their mandate, irrespective of the political circumstances.

The Senegal case should urge some caution in taking at face value an anti-corruption campaign which is primarily enforcement and sanctions-led. The professionalism of the bureaucracy, evident in

the comparatively lower administrative corruption in the country; relative independence of the judiciary; and openness to civil society are all important contributory factors to Senegal's relative success which have developed over the long term and across difficult political administrations. These will be key to continuing to build greater control of corruption and limiting its harmful effects on the country's development.

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