SAMOA NATIONAL ANTI-CORRUPTION POLICY & STRATEGY
2023 – 2028

Samoa Integrity Organisations Network
I am pleased to present this first national policy for anti-corruption in Samoa. When my government came into office in 2021, it was one of our priorities to strengthen integrity and good governance in the public administration and our country. This includes combating corruption in all its forms. We have articulated this in our national development strategy; the Pathway for the Development of Samoa 2021/22-2025/26 – that to ensure national security and trusted governance, we will put into place specific measures for anti-corruption and to improve public accountability and public sector efficiency and productivity. This National Anti-Corruption Policy 2024/25–2028/29 is a fundamental part of fulfilling this commitment. More importantly, it will enable us to contribute towards strengthening integrity, good governance, security, and rule of law in Samoa.

Samoa is not immune to the threats and risks of corrupt practices. Corruption is happening in our domestic contours and across borders. It can feed injustice and inequality, undermine our ability to provide basic services, weaken democracy, erode public trust, hampers poverty alleviation and economic progress, and exacerbates the environmental crises. If not prevented and controlled, corruption can weaken the social fabrics that bind our communities together.

We must instil an anti-corruption culture across our nation. This national policy aims to achieve this. Samoa must strive to be known as a nation with integrity. Hence the vision of this National Anti-Corruption Policy of ‘towards a corruption free Samoa’. It is our mission ‘to prevent, curb and address corruption in all its forms’ in Samoa.

Samoa acceded the United Nations Convention against Corruption in 2018. We have an obligation to fulfil our commitment to this international treaty. This National Anti-Corruption Policy is part of contributing towards this commitment.

Leadership by example is the simplest and most effective way to achieve all our aspirations in reducing corruption. We do not need to look to anyone else - condoning corrupt behaviours and practices begins with each one of us reading this Policy. As such, our priority focus as communicated in the strategies and activities outlined in this national policy is combating corruption in the public sector. For this Policy to work, leaders of our country across various capacities and domains must commit right from the outset.

We therefore strongly urge and encourage all in the public sector, private sector, civil society, and communities to work together to ensure this Policy does not remain just a piece of paper.

We deserve a society free corruption. Our children and future generations deserve it.

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Fiamē Naomi Mataʻafa

Prime Minister/Minister, Public Service Commission
STATEMENT OF COMMITMENT

The National Anti-corruption Policy (NACP) 2024/25 – 2028/29 is a good governance measure that reflects the people’s expectations and aspirations for Samoa to be a corrupt-free country. It provides the public policy direction and plan of action to contribute towards fulfilling such aspirations. The NACP communicates our efforts to fight, prevent and address corruption in all its forms and manifestations, across all sectors in Samoa.

This integrated policy is the first for Samoa. It signals the fulfilment of a long-standing commitment for the Public Administration Sector, contributing towards strengthening integrity, transparency, accountability, and rule of law, as well as building, instilling and maintaining an anti-corruption culture in Samoa.

The following six strategic objectives are being identified in this National Anti-corruption Policy, to contributing to the progressive achievement of the national vision ‘towards a corruption free Samoa’ and the mission ‘to prevent, curb and address corruption in all its forms’ in Samoa:

- Strengthening political governance.
- Enhancing administrative governance and effectiveness.
- Improving corporate governance.
- Strengthening the national anti-corruption policy, legal and institutional framework.
- Enhancing the prevention, deterrence, and response to incidences, of corruption.
- Facilitating collaboration and partnership for collective action.

The NACP was developed following wider consultations with all key stakeholders from within the public sector as well as the private sector, civil society, and community. It is informed by the findings of these stakeholder consultations and the literature on corruption and anti-corruption in Samoa, region and globally. It is guided by the United Nations Convention against Corruption (UNCAC) as the framework for anti-corruption measures and international best practices against corruption.

We acknowledge and appreciate the efforts of everyone who contributed to the development of this national policy. The PSC and the government needs consistent stakeholder input and support for the effective and efficient implementation of the Policy and its Strategy and Plan of Action. We are taking an integrated and coordinated approach to the implementation of this Policy, to ensure its success.

As the first of its kind, we will expect to encounter many challenges with the implementation and for the realisation of its expected outcomes. As such, we will learn from experiences for continuous improvement.

We trust that with genuine support and collective efforts, we can accomplish the vision, mission and aspirations as set out in this national effort for Samoa and its people.

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Nonu Saleimoa Vaai
Chairman, Samoa Coordinating Committee for the Convention Against Corruption
| **Vision:** | “Towards a corruption free Samoa”. |
| **Mission:** | “To prevent, curb and address corruption in all its forms”. |
| **Strategic Outcomes:** | 1. Strengthening political governance.  
2. Enhancing administrative governance and effectiveness.  
3. Improving corporate governance.  
4. Strengthening the national anti-corruption policy, legal and institutional framework.  
5. Enhancing the prevention, deterrence, and response to incidences, of corruption.  
| **Guiding Principles:** | Integrity, Good governance, Accountability, Transparency, Rule of the Law, Inclusivity, Samoanisation |
| **Targets:** | 20% reduction in the prevalence of corruption in government  
20% reduction in the prevalence of corruption in business  
20% reduction in the prevalence of corruption in civil society  
20% improvement in the control of corruption  
20% improvement in governance rating  
20% improvement in political stability and absence of violence/terrorism  
20% improvement in the rule of law  
20% improvement in voice & Accountability  
20% improvement in government effectiveness  
20% improvement in regulatory control |
| **Resourcing:** | Government of Samoa, Development Partners. |
| **Governance Structure:** | Samoa Integrity Organisations Network. |
| **Implementing Partners:** | Government agencies, private sector, non-governmental organisations, civil society & community-based organisations, groups and networks. |
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**STRAATEGIC FRAMEWORK FOR THE NATIONAL POLICY**

1.1. INTRODUCTION

This National Anti-corruption Policy provides the strategic public policy directions for preventing, combating and addressing corruption in Samoa. It signifies our collective commitment as a country to respond to the increasing threats and complex challenges of corruption and its impact on our economy, society and people. It communicates our inspiration for Samoa to be free from corruption - and that our country is founded on integrity and good governance principles and practices. We all want our society and people to uphold the values of morality and doing the right thing, and to abide by the rule of law, and within the foundational principles of our Samoan culture and Christianity. Having a national anti-corruption policy provides a consolidated platform to continuously assess how we are maintaining these principles and values in how we live, govern and grow as a country, society and community.

The development of this National Anti-corruption Policy (NACP) is informed by the stakeholder consultation conducted from July to September 2023, and the available relevant literature on the subject (see Appendix D). The establishment of this Policy is a requirement under Article 5 of the United Nations Convention against Corruption (UNCAC) to which Samoa is a state party since 2018. It is also stipulated in our overarching national development strategy for Samoa; the Pathway for the Development of Samoa (PDS) and the Samoa Public Administration Sector Plan (PASP) that the government will develop and strengthen policy and legislative measures for anti-corruption, thereby minimising fraudulent practices and upholding the integrity of public services.

This is the first National Anti-corruption Policy for Samoa. It will direct and guide the anti-corruption development work, the reforms movement against corruption, and including efforts to build and strengthen good governance and integrity mechanisms in Samoa. As such, it is a living document that will be continuously reviewed, adapted and revised to incorporate learnings as well as in response to emerging issues, priorities and changes in the policy and implementation contexts.

1.2. WHAT IS CORRUPTION

This National Policy acknowledges that there is no universal definition of corruption. This indicates that corruption is a complex and multifaceted phenomenon or series of phenomena. It can be viewed or constructed from different perspectives – from a criminal point of view, from a legal definition, from a morality or ethical perspective, or from a value-judgment point of view. Viewing corruption from these different lenses is important in having a comprehensive understanding of corruption and what it entails.

The Transparency International (2023) defines ‘corruption’ as ‘the abuse of entrusted power for private gain’, this definition is limited in scope as it referred only to those entrusted with power or with a position of authority.

The UNCAC does not give a single universal definition of corruption. It however provides what can be considered a ‘working’ or ‘operational’ definition of corruption in terms of what constitutes corruption (see section 2.1.1 of Appendix D). The Convention provides a range of offences that are are all

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1 Transparency International is a global movement of independent, non-governmental, not-for-profit and work with like-minded partners across the world to end the injustice of corruption working in over 100 countries (see https://www.transparency.org/en/about).
encompassing types or forms of corruption or corrupt practices, and hence state parties must criminalise them (see Annex A in Appendix D). This includes bribery by national and foreign public officials as well as embezzlement, misappropriation or other diversions of property by public officials.¹ The Convention also addresses acts carried out in support of corruption, illicit enrichment, obstruction of justice, trading in influence and concealment, money laundering, and bribery and embezzlement in the private sector. For the purpose of this National Policy for Samoa, and given it is signatory to the UNCAC, this ‘working’ or ‘operational’ definition of corruption as defined under the UNCAC is adopted. Given this is also the first time a national policy is being adopted in Samoa, a context-specific definition to Samoa will be developed or constructed over time - based on learning from the implementation of this policy - and as more evidence-based definitions and qualitative research/studies of corruption and anti-corruption in Samoa are made available to inform the develop of an appropriate context-specific definition for Samoa.

1.3. RATIONALE FOR AN ANTI-CORRUPTION MOVEMENT

1.3.1. WHY AN ANTI-CORRUPTION POLICY?

Corruption occurs in all societies. Samoa is no exception. Corruption is an ‘evil phenomenon that is found in all countries – big and small, rich and poor’. ‘Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. It is a key element in economic underperformance and a major obstacle to poverty alleviation and development’ (UNCAC, 2004, p. iii). ‘Corruption erodes trust, weakens democracy, hampers economic development and further exacerbates inequality, poverty, social division and environmental crises. Exposing corruption and holding the corrupt to account can only happen if we understand the way corruption works and the systems that enable it (Transparency International, 2023). The global cost of corruption is estimated at US$2.6 trillion a year, according to the United Nations Secretary-General António Guterres.¹¹ The cost of corruption to developing countries is estimated at over US$1 trillion a year (UN Office on Drugs and Crime) (PSC, 2018a). Corruption can take many forms – bribery, embezzlement, forgery, money laundering, tax evasion, cronyism, and others. It happens anywhere - in government, business, courts, media, civil society, across all sectors, at the local, national, regional, international and transnational levels. Taking a stand against corruption sends a clear message that corruption is unacceptable, and that moral behaviours and core values such as honesty, doing the right thing, respect for the rule of law, transparency and accountability are important in maintaining the fabrics of every society – and they are the foundation for sustainable and inclusive social-political and economic development - and for people to live together in peace, harmony and prosperity. Corruption is a cost to society and its development, and it affects public trust/confidence especially in those entrusted with power, public authority, and public policy decision-making. As such, corruption should not be tolerated and needs to be prevented, curbed and addressed.

¹ Public official is defined as covering any person holding a legislative, executive, administrative or judicial office, whether appointed or elected, whether permanent or temporary, whether paid or unpaid (as defined in the domestic law of the State Party).

¹¹ see https://www.undp.org/blog/corruption-other-global-pandemic-eradicate#:~:text=The%20costs%20of%20corruption%20are,five%20percent%20of%20global%20GDP.
Taking an anti-corruption approach is about promoting and improving integrity and good governance (i.e., transparency, accountability, responsiveness, rule of the law, value for money, etc.) at all levels and across all sectors, sub-sectors, and work and business areas of society. A national anti-corruption policy/strategy provides a guide to the development and implementation of appropriate measures to prevent corruption in an integrative, systematic and coordinated manner; to identify prevalence of corruption; to develop national responses to curb and address corruption; and to mainstream/integrate anti-corruption in national development plans and development initiatives. ‘Prevention is better than cure’. When corruption becomes widespread and institutionalised and becomes a norm and a general pattern in an institution, system or society, it will become more difficult to respond, and it may reach a stage where responses become more irrelevant. The benefits for Samoa of having an anti-corruption development or anti-corruption reform movement include (PSC, 2008a):

- Strengthening public confidence/trust in Parliament, Government, institutions and individuals with assigned authorities and responsibilities, especially in ensuring the national or public interest is protected.
- Strengthening national, regional, and international reputation - Samoa has joined other regional and international countries in fighting corruption locally and internationally, including holding people committing UNCAC crimes outside of Samoa accountable for their actions.
- Enhancing peace, security and social stability in Samoa - high levels of corruption within the police and the judiciary can lead to a breakdown of the legal framework, as well as formal and informal codes of conduct, values and social fabrics of society.
- Strengthening the consolidation of existing laws and governance frameworks to combat corruption, ensuring the scope covers the public sector, private sector, non-governmental sector, and the public as a whole.
- Strengthening the rule of law in Samoa - the checks and balances need to work, and people must have trust in the rule of law.
- Enhancing the management of valuable and limited resources - as a developing country Samoa does not have many natural resources and relies heavily on foreign aid (loans, overseas remittances etc.). As such, it cannot afford to waste or lose any of its limited resources through corrupt practices.
- Strengthening Samoa’s investment and trading profile - corruption can deter potential investors and buyers of our local products (exports) resulting in the loss of other associated benefits (i.e., employment, economic growth, new services etc.). Acknowledging its corruption problems and adopting and implementing anti-corruption measures signal that Samoa values a corrupt-free economy and is taking actions to achieve that.
- Enhancing a culture of integrity in Samoa - corruption can spread and become a norm or culture that is hard to stop, curb or change. Anti-corruption initiatives will strengthen integrity in all facets of society.

1.3.2. THE KEY THREATS, ISSUES AND CHALLENGES

The evidence presented in Appendix D shows that corruption in all its forms poses a significant threat to Samoa, if not prevented, controlled, and addressed. The evidence shows that the key threats, issues and challenges of corruption to Samoa, and hence the need for an anti-corruption policy and approach, are as follows:

- *Corruption in all its forms and manifestations is prevalent in Samoa and is increasing.* The survey findings presented in section 2.2.1 (Appendix D) show that around half or more than 50% of people surveyed think that corruption is a big problem in Samoa.
• **Perception of corruption is high in the police, Members of Parliament, and public service**, when compared to other non-government sectors (private, business and civil society, and local/traditional institutions). Corruption is more prevalent in government than in other institutional settings.

• **Officials engaged in corruption rarely face consequences**, when compared to those working in the private sector according to the views of the majority of people. This correlates with police reported cases of ‘theft as a servant’ where 90% of cases are from the private sector and only 8% are from the public sector. There are gaps with ‘how corruption are dealt with particularly when it is regarding public servants and Members of Parliament’ (2018 National Assessment on Samoa’s readiness to accede to the UNCAC report, p. 14).

• There is a high perception (and feeling) amongst people that government does not frequently takes their views into account. This can mean limited government accountability and responsiveness to the public (or needs of people) and a lack of inclusivity in public policy making and implementation. Citizens’ voice is a key requirement for accountability and is a way to prevent, combat and curb corruption.

• **Regulatory control and government effectiveness** are areas of worldwide ‘governance’ indicators where Samoa needs major improvement, which concern the proper functionality and effective and efficient operation of the public sector and its public service delivery systems and mechanisms.

• The above survey findings (evidence) speak a lot about a lack of public trust in government – about people’s attitudes, views and opinions of their government – what people think of their government. The 2022 Pacific Attitude Survey found that ‘governance’ is ranked as the third (to economics and health) ‘most important problem facing Samoa’ that government should address.

• **Around half of the investigated breaches of the public service code of conduct by the Public Service Commission (according to the evidence provided) are against Assistant CEOs; senior level executives of Ministries.** This is the senior leadership of the public service comprising around 5% of public servants. If breaches of the public service code of conduct and corruption is high at this senior leadership level, then it is an indication that corruption is a problem that may be filtered down to all other levels of the public sector. It may also indicate that workplace cultures and ethics are problematic and that there may be gaps in preventative measures across the public service.

• **Measures for administrative corruption (not just criminal corruption) needs to be strengthened across all areas of the public sector.** The evidence shows that accountability for high level political corruption (i.e., grand or elite corruption) is weak and measures for curbing and addressing corruption at this level needs to be strengthened.

• **Election bribery and treating (including buying vote) is commonplace and common knowledge** in Samoa as per evidence of election petitions of the last three elections. Political corruption can start from this first entry level - of how people are selecting/electing their leaders and how they expect their leaders to perform and be accountable to them when elected to office.

• There is a misunderstanding of corruption especially in terms of people’s perception (and expectations) of their political leaders. For instance, some people considered ‘spending government
money on their own election campaign by giving gifts to the village’, ‘giving jobs to their family/clan even if there are better candidates’, and ‘political leaders to help their own village even if this means another village will miss out’ as acceptable practices/norms.

- **Money laundering is increasing in Samoa** according to the evidence reported by local financial institutions. This is often associated with other criminal and illegal activities such as drugs, trafficking, thefts, briberies, etc’, which also often involve transnational and cross-border corruption and other criminal activities. These types of corruption does not only ruin the individuals involved but can become large-scale corruption that can ruin society, and the entire country and national security and stability, if prevention and control measures are not effectively implemented and enforced.

- The stakeholder consultation held in July-September 2023 show that most stakeholders identified these areas as where corruption is more prevalent (corruption risk areas) and are therefore more prone to corruption:
  - elections.
  - customs and revenue collection.
  - border control (customs, quarantine, immigration, etc.).
  - procurement/tender.
  - police/law enforcement and judiciary.
  - political interference into the public service/public administration.
  - finance - accounts and payments.
  - asset management.
  - district development program.
  - recruitment and selection.
  - projects (e.g big projects and programs).
  - law making.
  - lands and titles.
  - registries – business, land, titles, etc.
  - front line services.
  - church.
  - village fono.

- **What is corruption in the cultural context needs to be revisited further to clarify what is corruption and what is not when cultural practices are involved.** There is a need for clear policies, guidelines and procedures to clarify what is considered corruption when cultural practices are involved.

- Given that corruption is a multifaceted phenomenon or series of phenomena, it will be difficult to come up with a single definition of corruption that is all-encompassing of the various and different nature, forms and manifestations of corruption. More in-depth studies and analyses are needed to inform the formulation and construction of a suitable definition of corruption in Samoa.

- **There are gaps with Samoa’s national anti-corruption framework** (re knowledge, policy, legislation, institutions, capacity, procedures, coordination, etc.) that need to be considered and addressed in order to strengthen Samoa’s national anti-corruption measures across all different dimensions, sectors, areas and systems.

1.3.3. THE PRIORITIES
Taking an anti-corruption development stance through the adoption and implementation of a National Anti-corruption Policy/Strategy is a novel step for Samoa. As such, there are many issues to consider, hence it is crucial to identify the key priorities to address within the timeframe of this national policy. The key priorities are highlighted as follows (see Appendix D):

- Build evidence-based knowledge and raise understanding and awareness of corruption and anti-corruption measures/response systems in Samoa.

- Conduct in-depth and comprehensive quantitative and qualitative studies and robust assessments of corruption to determine and confirm how much corruption there is in Samoa.

- Strengthen the collection, storage, management, sharing and analysis of actual data on corruption by key anti-corruption/integrity agencies, to inform policy development and implementation, and monitoring and evaluation of corruption and anti-corruption measures.

- Address the issue of what is culture and what is corruption in official businesses, duties, exchanges and dealings.

- Strengthen transparency and accountability across all areas of government.

- Strengthen the policy, legal and institutional framework on anti-corruption. Specific recommendations on what is needed to be strengthened are identified in Appendix D:
  - Improve the implementation mechanics of policies and legislation already in place.
  - Strengthen the independence and capacity of anti-corruption agencies – police, audit, attorney general, ombudsman, parliament, electoral commission, public service commission and others.
  - Establish an independent anti-corruption body \(^iv\) with the mandate to ensure the implementation of this policy, dissemination of knowledge or information relating to the prevention of corruption, and the detection, investigation and prosecution of corruption.
  - Develop a privacy protection law.
  - Develop an information access law.
  - Adoption and implementation of a leadership code.
  - Revive the National Prosecution Office.
  - Adopt and implement a whistleblowing policy, legislation, procedures and guidelines.
  - All agencies to have complaint management and handling mechanisms.

- Strengthen implementation, enforcement, monitoring and evaluation of anti-corruption measures, including good governance mechanisms across the public sector.

- Strengthen the independence of the public service, and this involves the need to depoliticise the public service.

\(^iv\) Samoa can adopt a phase approach, starting with a small unit in the Ombudsman and then transition into the establishment of a standalone independent body in the medium to long term.
• Address gaps with measures addressing corruption at the political level (i.e., grand corruption), systemic corruption, and organised criminal corruption. This also involves strengthening of political governance.

• Assess the effectiveness of the governance mechanisms of SOEs – e.g., composition of board members to lessen/remove political influence.

• Strengthen compliance, enforcement, monitoring and evaluation across all sectors and functional areas of the public sector.

• Develop and strengthen ethics and professional standards of the public sector and professional groupings.

• Strengthen the roles of the private sector, media and civil society as key watchdogs of public accountability, transparency and national interest.

1.4. STRATEGIC PUBLIC POLICY DEVELOPMENT DIRECTION FOR ANTI-CORRUPTION

The commitment to prevent, combat and address corruption is communicated and supported through various global, regional and national policy measures directing and guiding the adoption, development and implementation of anti-corruption measures. The NACP 2023/24-2027/28 is developed taking into account all national, regional, and international commitments for the prevention and addressing anti-corruption. Figure 1 outlines the linkages of existing policy instruments on anti-corruption at the global, regional and national (Samoa) levels.

Figure 1: Global, regional and national policy frameworks and guides on health promotion

The key public policy instruments as further discussed below include the United Nations Convention against Corruption (UNCAC), Pathway for the Development of Samoa (PDS); and the Samoa Public Administration Sector Plan.
1.4.1. UNITED NATIONS CONVENTION AGAINST CORRUPTION

The UNCAC is the only binding global instrument (a treaty) on anti-corruption. It was adopted by the United Nations in October 2003 and entered into force in December 2005. As an UNCAC State Party, Samoa’s anti-corruption work is directed by the Convention which provides a framework of actions on anti-corruption measures that Samoa (and other all 189 state parties that have ratified the Convention as of November 2021) must adopt, develop and implement at the local context.

‘The Convention shall apply in accordance with its terms, to the prevention, investigation and prosecution of corruption and to the freezing, seizure, confiscation and return of the proceeds of offences established in accordance with this Convention’ (Article 3. Scope of application). The scope of the Convention is broad covering preventive and punitive measures, provisions addressing the cross-border nature of corruption including international cooperation and the return of the proceeds of corruption (‘asset recovery’). It further calls for the participation of civil society and non-governmental organisations in accountability processes which further underlines the importance of citizens’ access to information.

In the nutshell, the Convention has eight (8) chapters and 71 articles - covering general provisions (purpose of the convention, use of terms, scope of application and protection of sovereignty); preventive measures; criminalisation and law enforcement; international cooperation; asset recovery; technical assistance and information exchange; mechanisms for implementation; and final provisions (see Annex A in Appendix D for details). Many of its provisions are mandatory – stating that ‘States Parties shall….’ or ‘Each State Party shall….’. Some measures carry an obligation that states parties shall adopt, promote, take, consider, or endeavour to ….’ a provision – and as appropriate and in accordance with fundamental principles of countries’ legal systems (Huter & Scaturro, 2021).

An assessment of Samoa’s compliance with the Convention is detailed in Appendix D (see section 3 and Annex B). Samoa has yet to fully implement the recommendations (which will therefore address the gaps with its national anti-corruption policy, legal and institutional framework) as identified in these independent assessments.

1.4.2. PATHWAY FOR THE DEVELOPMENT OF SAMOA

Samoa’s accession to the UNCAC signalled the leadership commitment of its government to fight and address corruption. As a state party, Samoa has an obligation to implement the requirements of the Convention. The Government has echoed its leadership direction for developing anti-corruption initiatives/measures as communicated in the overarching national development strategy, the Pathway for the Development of Samoa (PDS) 2021/22-2025/26. The national vision as stipulated in the PDS is ‘fostering social harmony, safety, and freedom for all’, with the theme of ‘empowering communities, building resilience, and inspiring growth’.

The PDS key strategic outcomes are – improved social development; diversified and sustainable economy; security and trusted governance; secured environment and climate change; and structured public works and infrastructure. Under strategic outcome 3: security and trusted governance’s key priority area 12: empowered legislation, it states that ‘specific emphasis will be placed on legislation pertaining to the roles

* see https://www.unodc.org/unodc/en/corruption/ratification-status.html
of the three arms of government, *anti-corruption*, tax, and lands and titles.’ Also, key priority area 13 (of strategic outcome 3): improved accountability stipulates that:

Specific measures will be taken to strengthen the legal and policy framework for anti-corruption, thereby minimizing fraudulent practices and upholding the integrity of public services. In addition, the Government will review and, where needed, strengthen and fully enforce systems and processes that seek to support full and timely reporting and oversight of the same. In parallel, the Government will seek to improve public sector efficiency and productivity, ensuring that taxpayers secure value for money.

### 1.4.3. PUBLIC ADMINISTRATION SECTOR PLAN

Samoa anti-corruption development work is further guided by the Public Administration Sector Plan (PASP) 2020/21–2024/25. ‘*Strengthen legal and policy framework for anti-corruption*’ is a key strategy identified under the PASP to achieve its objective 1.2: strengthen transparency and accountability and end of sector plan outcome 1: Better Public Services. Activities identified under the PASP are as follows:

- Develop a standardised ethics/integrity framework for senior managers across the sector.
- Develop and secure Cabinet approval of an *anti-corruption strategy*.
- Develop and adopt an open government policy.
- Development and enactment of a right to information law.

### 1.5. AN ANTI-CORRUPTION DEVELOPMENT FRAMEWORK

#### 1.5.1. ANTI-CORRUPTION MEASURES

Corruption is a complex and multifaceted phenomenon. As such, preventing, controlling and addressing corruption requires several measures. Figure 2 captures the required anti-corruption measures, which should be inclusive of policy, legal and institutional instruments, leadership (drive and support for anti-corruption), capacity (to prevent, fight and address corruption), and governance mechanisms (e.g., coordination of efforts of anti-corruption bodies). Measures need to be relevant and appropriate to Samoa’s context in terms of its social and political systems as well as its economy (in terms its development status), demographics and social contexts. The prevention and detection of corruption, responses to address corruption/corrupt practices, as well as monitoring and evaluation of the effectiveness of anti-corruption measures involve key agencies – in government, private sector, and civil society – across all sectors of society to play their part in preventing and combating corruption.

*Figure 2: Anti-corruption measures*
1.5.2. GUIDING PRINCIPLES

The following principles guide this National Anti-corruption Policy in its development and implementation:

- **Integrity** – integrity is the essence of being free from corruption or any corrupt activities and behaviours. It is the principle that underpins this national anti-corruption policy – it embodies the values and symbols of moral action, honesty, ethical conduct, professionalism, transparency, and responsibility. Having and maintaining integrity is the drive behind the anti-corruption reform movement – so that the values and practices of morality and ‘doing the right thing’ are embedded in the social fabrics and behaviours of society. Having integrity is also about being clear and truthful at all times.

- **Good governance** – good governance refers to the conducting of public affairs and management of public resources in a manner that promotes the rule of law, realisation of human right, zero corruption, and in the pursuit of widely accepted economic, environmental and social-political development goals. The key ingredients or sub principles of good governance are transparency, accountability, responsibility, participation, inclusivity, and responsiveness (to the needs of the people and society).

- **Accountability** – accountability is the acceptance of responsibility for decisions (or indecisions) and actions (or inactions) and including the consequences for those decisions/ indecisions or actions/inactions. Accountability is ensuring that those in key public decision-making roles execute their responsibilities in accordance with the laws and good governance principles, and with integrity and free of corruption. It is also about being responsible to the needs of the people, especially the vulnerable and marginalised groups and individuals.

- **Transparency** – transparency is knowing who, why, what, how and how much. It means shedding light on formal and informal rules, plans, processes and actions (and inactions). It helps the public to hold all power to account for the common good and for the national/public interest. Transparency is the first step to curbing corruption. It is not only about making information available, but ensuring that information can be easily accessed, understood and used by citizens. Transparency is an integral element of having accountability and being responsible to a common purpose.

- **Rule of the law** – corruption is one of the most significant barriers to effective rule of law. Clear laws and and legal frameworks should be applied fairly and equally to everyone and segments of society, without arbitrary use of power, and this includes preventing and addressing corruption. A society governed by the rule of law is a society that values and promotes integrity in all its interactions, governance, businesses, and development processes.

- **Inclusivity** – inclusivity means everyone has equal access to opportunities and resources, including access to information and being able to provide a voice on key public policy issues and decisions impacting on themselves and their wellbeing. Inclusivity is ensuring that people who might otherwise be excluded or marginalised, such as women, youth, children, persons with disabilities, those living in poor conditions, and other minority groups are not excluded. Inclusivity is essential for transparency and accountability and hence for the prevention and combating of corruption across all facets of society. All stakeholders should be encouraged and facilitated to participate in all processes in the prevention of, and fight against, corruption.
1.5.3. OVERARCHING POLICY STATEMENTS

Guided by the guiding principles outlined under Section 1.4.2 above, the policy statements outlined below signify the collective commitments required for a national anti-corruption development framework. They provide broad policy guidelines on the development and implementation of anti-corruption measures spanning across all sectors and segments of Samoa:

a) Anti-corruption means strengthening integrity, transparency, accountability, participation, and inclusivity. It therefore contributes to good governance, rule of law, social stability and harmony, as well as positive economic development progress.

b) Anti-corruption involves the need to have informed awareness and understanding, prevention, detection, investigation, and prosecution of corruption. This includes the strengthening of existing anti-corruption measures as well as the development and implementation of additional and new measures – so that Samoa has a robust, vibrant and responsive national anti-corruption framework and enabling systems.

c) The prevention of corruption is the first necessary step, and it encompasses all parties undertaking anti-corruption reforms which involves strengthening parties’ policy and legal frameworks, operating processes/procedures, and internal integrity systems, including risk management, compliance management, due diligence, compliant handling, and other areas.

d) Anti-corruption further means building, instilling, maintaining the values of integrity, honesty, professionalism, ethical conduct, morality, transparency, accountability, responsibility, and other related values in every work area, sector and segment of society. Most importantly, those elected and appointed to public offices performing public governance and public leadership roles must lead by example in portraying these values and principles.

e) Anti-corruption involves the genuine commitments, consolidated actions, and dedicated resources from all relevant actors/parties across all sectors – public sector, private sector, civil society, and community. The coordination of the contributions of these sectors to anti-corruption and the support of key partners is needed to prevent, combat and address corruption.

f) Anti-corruption requires several measures (policies, rules, structures, standards, systems, procedures, knowledge/information, capacity development, leadership etc.) for prevention, enforcement of anti-corruption values and measures, and to address corrupt behaviours and practices. National, sector-wide, and standalone agency anti-corruption measures are required, including governance and integrity development initiatives.
g) Mainstreaming anti-corruption strategies, programs, initiatives and activities in measures in the priority areas including those most prone to more/increased corruption or corrupt activities is needed. Areas of work that are of inherently higher risk in terms of ethics and corruption should be identified and with corresponding preventive strategies to put in place in these areas.

h) Addressing corruption in government, especially in the political and administrative spheres and corporate governance of the public sector is a priority.

i) Wider ownership of anti-corruption development measures and initiatives is essential. This requires building awareness of corruption risks and anti-corruption measures, as well as providing capacity development support, especially to key anti-corruption or integrity agencies (institutions and individuals).

j) Sufficient resources (human, financial and physical) are allocated in a manner that promotes equity and access and that facilitate the effective and efficient implementation of anti-corruption initiatives.

k) Capacity development support initiatives for anti-corruption should build, develop and strengthen anti-corruption values, principles and ethos, as well as promoting innovative leadership approaches to prevent, fight and address anti-corruption, especially against grand, systemic, institutionalised and organised forms of corruption.

l) Given the complexity of corruption and anti-corruption, and the multi-stakeholders involved, it is crucial to have, and to maintain, sound and coherent policy positions and directives.

m) The Samoan culture should not be misused or use as a scapegoat for corruption or corrupt behaviours and practices. There should be a fine line between ‘what is culture’ and ‘what is corruption’. Policy directives and procedural guidelines should help in providing distinctions between the two issues/dimensions.

n) Effective prevention and management of corruption and implementation of anti-corruption measures is dependent on quality leadership and governance of organisations/institutions. Leadership, especially from government is essential in providing the necessary political, administrative, formal and informal support for an anti-corruption development agenda. Ethical leadership provides the necessary symbolic and value-based foundations for anti-corruption and is a pre-condition for good governance and zero tolerance to corruption.

o) Regular monitoring and evaluation, with the ultimate purpose of reflective learnings and adjustment of anti-corruption measures is needed for continuous improvement and improved effectiveness.

1.5.4. ROLES AND RESPONSIBILITIES

Anti-corruption or preventing and addressing corruption – within the ultimate purpose of being free from corruption, is a duty and responsibility of everyone. However, those in positions of power, positions of influence, positions of authority (whether formal or informal), and those entrusted with public responsibilities to act in the public interests, and to serve the public through public services, should take the lead in anti-corruption development. This includes taking the facilitating role in soliciting the collective
support and contribution of various stakeholders and partners in the development and implementation of appropriate anti-corruption measures.

Table 1 identifies the roles and responsibilities of the different agencies and authorities in the government and non-government sectors for anti-corruption in Samoa. These roles and responsibilities are indicative and reflect those with a role in preventing, curbing and addressing corruption, whether directly or indirectly:

**Table 1: Roles and responsibilities for anti-corruption**

<table>
<thead>
<tr>
<th>Authority/AAgency</th>
<th>Mandate</th>
<th>Roles and responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parliament</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Legislative Assembly of Samoa | Law maker | • Make the law of Samoa on anti-corruption in alignment with national public policy directions and international and regional obligations.  
• Provide leadership support for the development and implementation of anti-corruption measures, including the provisions of sufficient (human, financial and physical) resources to enable the development and implementation of anti-corruption measures. |
| **Members of Parliament (MPs)** | |                             |
| Elected constituency members.  
Elected national leaders. | Act in the public interest. | • Voice constituency views on anti-corruption issues and solutions, including providing feedback on anti-corruption measures.  
• Provide leadership support on anti-corruption measures. |
| **Cabinet** | |                             |
| Policy makers.  
Ministers. | Act in the public interest. | • Provide strategic public policy positions on anti-corruption.  
• Make policy decisions on anti-corruption measures.  
• Provide executive leadership support for the development and implementation of anti-corruption measures.  
• Avoid or manage conflicts of interests on anti-corruption measures. |
| **Multi-sector** | |                             |
| Samoa Integrity Organisations Network (SION). | All laws relating to anti-corruption. | • Provide multi-sectoral governance and leadership for anti-corruption measures.  
• Ensure the development of multi-sectoral work plans to implement anti-corruption measures.  
• Facilitate and support implementation of this National Anti-Corruption Policy and its Plan of Action through the provisions of strategic policy guidance and oversight. |
<table>
<thead>
<tr>
<th>Administrative authority</th>
<th>All laws relating to anti-corruption.</th>
</tr>
</thead>
</table>
| Anti-corruption agency (proposed to be established) | | • Provide inter-sectional advice to members of the SION and other relevant integrity/anti-corruption bodies on matters relating to anti-corruption.  
• Support the coordination of inputs from different agencies and stakeholders on anti-corruption public policy measures, initiatives, programs and activities.  
• Lead communication and advocacy about the importance of anti-corruption (prevention of it and the fight against corruption).  
• Liaise within different agencies and stakeholders on the effective and efficient implementation of anti-corruption measures.  
• Support strategies and programs on anti-corruption.  

| Administrative authority | Lead agency of anti-corruption public policy and programming measures.  
• Lead implementation of the National Anti-Corruption Policy and its Plan of Action.  
• Ensure sufficient resources for the development, implementation, monitoring and evaluation of anti-corruption measures.  
• Dissemination of knowledge/information relating to the prevention of corruption.  
• Ensure the detection, investigation and prosecution of cases where corruption has occurred.  
• Administration, implementation and enforcement of anti-corruption policies, legislation, procedures and guidelines.  
• Take a strategic approach on issues of anti-corruption.  
• Secretariat of the SION/SION and all other related national committees.  
• Provide monitoring and evaluation of all anti-corruption measures including assessing impacts at different levels.  
• Lead the initiation, development and implementation of anti-corruption policy and programming interventions/initiatives.  
• Facilitate availability of studies/research including assessments/evaluative studies for knowledge building and evidence-based policy and initiatives on anti-corruption.  
• Facilitate and develop strategic and operational partnerships for the development and implementation of anti-corruption measures.  
• Ensure stakeholder engagement and participation in anti-corruption programs and activities. |
| All Government ministries and agencies. | All laws relating to anti-corruption. | • Adopt and promote an anti-corruption approach or anti-corruption development reform movement across all government functions, portfolios and services, and including working approaches with non-governmental sectors.  
• Support anti-corruption measures through respective mandated roles, services as well as policy and programming measures where relevant.  
• Ensure agency level anti-corruption, governance and integrity policies, rules, procedures, standards, guidelines and capacity building are in place and are being implemented, enforced, monitored and evaluated.  
• Undertake an anti-corruption approach in internal operational and in dealing with the public in the performance of respective roles and services.  
• Provide incentives for anti-corruption within workplace and in dealing with the community and public.  
• Use appropriate platforms for supporting anti-corruption measures.  
• Promote the consideration of cross cutting issues (environment, gender, disability, etc.) in anti-corruption measures.  
• Support advocacy and campaigns on anti-corruption through the roles of the 14 sectors.  
• Facilitate and enforce compliance with anti-corruption laws and procedural guidelines.  
• Provide inputs to the development and implementation of anti-corruption measures. |

| Private sector | Business owners and operators. | All laws relating to anti-corruption. | • Provide inputs on the formulation, monitoring and evaluation of anti-corruption measures.  
• Ensure compliance with legislation including standards and guidelines on anti-corruption.  
• Advocate on issues and solutions that will promote and improve anti-corruption measures.  
• Work in partnership with key government anti-corruption agencies/stakeholders on the implementation of anti-corruption initiatives.  
• Seek to instil good business ethics, moral behaviours, integrity as well as good governance practices in business operations, dealings and interactions.  
• Seek training and other capacity building on anti-corruption in order to facilitate good corporate governance and ethical operations in businesses. |

<p>| Civil society – Non-governmental organisations (NGOs) and community-based organisations (CBOs) |</p>
<table>
<thead>
<tr>
<th>NGOs – across sectors, sub-sectors, industries, work areas, etc.</th>
<th>The Samoa Incorporated Societies Ordinance 1952. Own constitution and legislation. All laws relating to anti-corruption.</th>
<th>• Work in partnerships with government and other stakeholders on the development and implementation of anti-corruption measures. • As partners, provide advocacy, awareness and educational programs on anti-corruption. • Promote anti-corruption behaviours through the adoption and implementation of internal anti-corruption policies, procedures and guidelines. • Act as ambassadors, advocates and facilitators (e.g., Komiti Tumama or village committee representatives, Sui Tamaitai o Nuu, and Sui o Nuu) of anti-corruption initiatives and activities in the community through the roles of their respective organisations. • Provide feedback on the effectiveness of anti-corruption measures. • Adopt and promote an anti-corruption approach within their organisations. • Advocate on anti-corruption issues in the communities including providing support to the SION/SION stakeholders on addressing those issues through anti-corruption measures.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Media. Other independent watchdogs of public accountability of government.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CBOs - village fono, village committees (e.g., komiti tumama, komiti tina, aumaga), faith-based or church organisations, other village-based and community-based formal and informal organisations and cooperatives. Village Fono Act 1990. Samoa Incorporated Societies Ordinance 1952. Charitable Trusts Act 1965. Cooperative Societies Ordinance 1962.</td>
<td>• Promote anti-corruption measures through local village law and order and use of authority to put into place bylaws on anti-corruption. • Implement in villages and churches advocacy, awareness and educational programs on anti-corruption. • Promote anti-corruption behaviours through advocacy and awareness programs in villages and churches (e.g., spiritual programs and pastors’ speeches, talks, and others). • Act as advocates, messengers, facilitators and enablers of anti-corruption in the community through their village and church governance roles.</td>
<td></td>
</tr>
<tr>
<td>Technical Partners UN Office on Drugs and Crime (UNODC), UN Development Programme (UNDP); etc. Bi-lateral and multi-lateral agreements</td>
<td>Support anti-corruption in Samoa through assistances – financial, technical, etc.</td>
<td></td>
</tr>
<tr>
<td>Development partners DFAT (Australian Government), MFAT (NZ), World Bank; ADB, etc. Bi-lateral and multi-lateral agreements</td>
<td>Facilitate timely access to assistances for the effective and efficient implementation of anti-corruption measures including programs and activities that are supported by development partners.</td>
<td></td>
</tr>
</tbody>
</table>
2. STRATEGY AND PLAN OF ACTION, 2023/24 – 2027/28

2.1. VISION AND MISSION

The vision and mission of the National Anti-corruption Policy (NACP) 2023/24-2027/28 are as follows:

**Vision:** Towards a corruption free Samoa.

**Mission:** To prevent, curb and address corruption in all its forms.

2.2. STRATEGIC OBJECTIVES

To achieve the above-stated vision, the ultimate mission is to prevent, curb and address corruption in all its forms/manifestations, which then contribute towards building and maintaining integrity and good governance, as well as upholding the rule of law. To achieve this mission and hence the vision (which is the long-term aspiration for Samoa), there is a need to strengthen existing anti-corruption, integrity and governance measures, and to develop and implement new measures.

The following five strategic objectives aimed to contribute to the achievement of the above-stated vision and mission of this NACP 2023/24-2027/28:

1. Strengthening political governance.
2. Enhancing administrative governance and effectiveness.
3. Improving corporate governance.
4. Strengthening the national anti-corruption policy, legal and institutional framework.
5. Enhancing the prevention, deterrence, and response to incidences, of corruption.

2.2.1. STRENGTHENING POLITICAL GOVERNANCE

The evidence presented in the previous sections (see section 1.2.2 above) and as detailed in the situational analysis (in Appendix D) speaks for a major gap in Samoa’s national anti-corruption framework – the lack of measures to deal with corruption at the political level (i.e., grand or elite corruption). Corruption at this level is the most difficult to combat because of the vested power at the disposal of higher-level authorities. Yet, addressing corruption at the political governance level will have greater impact on the prevention and curving of corruption across all other levels in the public sector and in other sectors of society.

Historically, no politician or political leader in Samoa has been investigated or prosecuted for any allegation on corruption (in whatever forms), when compared to other countries in the region. It begs the question...
of why this is the case - when several cases/incidences alleging the involvement of political leadership in corrupt practices have been reported regularly in the media over the years. There are many possible reasons and factors as to why this is the case which is an area that needs to be explored further in the establishment of appropriate anti-corruption measures that address corruption at the political governance level. Other key issues of concern necessitating the need to strengthen political governance include:

- increasing political interference in public service administration and financial matters, to the extent that there is limited separation of executive and administration functions of government which then resulted in the increasing politicisation of the public service.

- lack of political independence of the public service which means that anti-corruption or integrity authorities lack the ability and autonomous to effectively execute their functions in the prevention and deterrence of corruption, especially for cases involving their political masters and senior officials.

- lack of political accountability, transparency and oversight (e.g., parliamentary oversight of executive government) as well as people’s misunderstanding of their expectations of their elected political leaders.

- prevalence of corruption during elections which can affect people’s voting preferences and the reasons for the election of their political leaders to office.

Prioritising the political level in this NACP is ultimately about strengthening political governance, and hence improving public accountability of government and building public trust in government. It sends a strong message that political leaders are leading by example in moving its national anti-corruption development reforms, and hence fulfilling its policy manifestos and priorities as set out in the Pathway for the Development of Samoa. For this NACP 2023/24-2027/28 to be implementable and contribute to good governance and anti-corruption development in Samoa, political leadership is required for the adoption and implementation of anti-corruption measures across all sectors, with addressing corruption at the political governance level being identified as a key priority area of this national anti-corruption policy.

2.2.2. ENHANCING ADMINISTRATIVE GOVERNANCE AND EFFECTIVENESS

Corruption in all its forms exist in the administrative arm of government. The government cannot function well without a strong, ethical, professional and capable public administration. Public policy continuity and public service effectiveness and efficiency are dependent on having an independent and apolitical public administration. To prevent, curb and address corruption in all its forms across the public sector, there is a need to improve the governance, effectiveness and efficiency in the administrative sphere of government. The key issues of concerns include:

- identified gaps with how corruption is dealt with in the public service.
- the ‘public service’ purpose for its existence ‘to serve’ the public is not yet instilled in the culture of the public service and in the mindsets of most public servants. This affects service orientation and delivery, professionalism, ethical conduct, and accountability of public servants.
- there is a general perception that there is fear of public servants and including respect for authority which can constrain their ability to provide honest, and without fear and favour advice to their political masters.
corruption has many manifestations and so as its underlying causes (see section 2.1.4 of Appendix D). Determining and addressing the root causes of corruption is important in providing appropriate, concrete and targeted prevention measures.

inefficacies and ineffectiveness in public services can be causes of corruption (e.g., giving briberies in order to access public services or obtain required information).

Improving public service effectiveness and efficiency as well as governance in the public administration can assist with preventing and curbing corruption. Priority focus should be directed at strengthening governance and operational effectiveness and efficiency in work areas where corruption is more prevalent (risk areas) and are prone to more corruption (see section 1.2.2 above). Measures should also include initiatives aimed at building and strengthening integrity, meritocracy, professionalism, ethical conducts, good governance and other core values of the public administration.

2.2.3. IMPROVING CORPORATE GOVERNANCE

There are 27 corporate entities (also called public bodies or stated-owned enterprises) governed by boards, yet the prevalence and nature of corruption in public bodies remain unknown (see Appendix D). The same also applies to the lack of reliable data/information about the types of anti-corruption measures that exist across public bodies. Most public bodies are public trading entities with commercial oriented and revenue generating operations. As such, they are prone to corruption. The effectiveness of anti-corruption measures in these corporate entities depends fundamentally on the quality and effectiveness of their self-regulating and standalone corporate governance mechanisms. However, it is difficult to assess the effectiveness of those mechanisms as well as anti-corruption measures across the various corporate entities given limited evaluative evidence and information.

Having a targeted objective aimed at improving corporate governance under the strategic development agenda of this NACP 2023/24-2027/28 brings a consolidated national focus on addressing gaps with the governance mechanisms of all public sector organisations, and hence preventing, curbing and addressing corruption across all sectors, sub-sectors, and areas of the public sector, not just the core public service. Anecdotal evidence and the views of the majority of stakeholders suggest that enhancing corporate governance (across the majority of corporate entities) is a critical area to consider in preventing and curbing corruption - as well responding to a great need to improve service delivery, social responsibilities, and corporate performances of public bodies - as public sector institutions in Samoa.

2.2.4. STRENGTHENING THE NATIONAL ANTI-CORRUPTION POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

The situational analysis in Appendix D (see section 3 and Annex B) identified several gaps with the anti-corruption policy, legal and institutional framework in Samoa. This strategic objective of the NACP 2023/24-2027/28 aimed at addressing these gaps and thereby strengthening the national anti-corruption policy, legal and institutional framework and measures, encompassing:

- putting into place required anti-corruption policies, operating procedures, standards, and guidelines (including complaints mechanisms).
- reviews/amendments of existing anti-corruption laws and enactment of new laws as required to strengthen the legal framework for anti-corruption.
- strengthening of existing anti-corruption/integrity agencies.
- establishment of an anti-corruption body.
• revival of anti-corruption institutions/ measures such as the National Prosecution Office.
• improving the implementation mechanics of policies and legislation.
• strengthening compliance, enforcement, monitoring and evaluation functions across the public sector.

The development and implementation of anti-corruption policy, legal and institutional measures will take time, and require dedicated (human, financial and technical) resources, priority consideration, and leadership support. As such, a medium to long term development agenda with a prioritisation process and sustained commitment is needed to ensure positive progress with the implementation of anti-corruption policy, legal and institutional measures as outlined in this NACP.

2.2.5. IMPROVING THE PREVENTION, DETERRENCE, AND RESPONSE TO INCIDENCES, OF CORRUPTION

This strategic objective focuses on the adoption and implementation of appropriate strategies and actions that will improve the prevention and deterrence of corruption, as well as the response system to address incidences of corruption when they occurred. This will involve a wide range of strategies and actions, targeting key anti-corruption/integrity bodies, and soliciting the support of other relevant institutions in non-government sectors to play their part in preventing and addressing corruption. Indicative strategies will include:

• building civic awareness of corruption and anti-corruption measures.
• developing evidence-based knowledge and understanding of corruption and anti-corruption.
• building and developing the capacity of anti-corruption bodies, including law enforcement agencies in deterring, investigating and prosecuting corruption.
• addressing the causes of corruption (e.g., through measures aimed at addressing poverty, hardships, vulnerabilities, poor/low pay, etc.).
• monitoring and evaluation of the effectiveness of anti—corruption measures.

2.2.6. ENHANCING COORDINATION, COLLABORATION AND PARTNERSHIP FOR COLLECTIVE ACTION.

A single measure is not going to prevent, curb and address corruption. Corruption is a complex phenomenon which requires multifaceted and different measures. Corruption is everyone’s business and responsibility, and as such, multi-stakeholder support and inputs are required for collective actions and consolidated responses towards the prevention and curbing strategies and actions. Enhancing coordination and collaboration also requires strengthening the SION mechanism as well as the establishment of the SION.

Creating partnerships and enhancing collaboration amongst multi-stakeholders in the public sector and non-governmental sectors is needed. Samoa does not have the resources to fully develop and implement all the required anti-corruption measures. As such, it needs the financial and technical support of its partners, to ensure implementation of anti-corruption measures as outlined in this national anti-corruption policy.

• strengthening the ethics and professional standards of professional groupings and self-organising bodies and institutions.
• strengthening the roles of the private sector, media and civil society as key watchdogs of public accountability and as ways to assist with the prevention and deterrence of corruption.
2.3. STRATEGIES

Figure 3 outlines the strategic objectives that will contribute to the achievement of the above-stated goals:

**Figure 3:**

1. Strengthening political governance.
   - 1.1. Reforming of electoral system including legislation.
   - 1.2. Strengthening parliamentary authority, oversight and governance administration.
   - 1.3. Managing political interference in public service and administration.
   - 1.4. Improving transparency, public accountability and leadership at the political level.

2. Enhancing administrative governance and effectiveness.
   - 2.2. Improving governance, monitoring and evaluation functions in corruption risk areas.
   - 2.3. Strengthening integrity, professionalism and ethics in the public administration.
   - 2.4. Enhancing public administration transparency, accountability and leadership.

3. Improving corporate governance.
   - 3.1. Managing political interference in corporate governance and administration.
   - 3.2. Inculcating good governance in public bodies.
   - 3.3. Improving resilience against the threats and risks of corruption.
   - 3.4. Improving transparency, accountability and leadership of public bodies.

4. Strengthening the national anti-corruption policy, legal & institutional framework.
   - 4.1. Developing and implementation of sector and agency level anti-corruption policies, operating procedures, standards, and guidelines.
   - 4.2. Legislative reforms to ensure an adequate and robust legal framework for anti-corruption.
   - 4.3. Establishment, revival and strengthening of anti-corruption bodies.
   - 4.4. Strengthening credibility and independence of law enforcement agencies and legal and judiciary system.

5. Improving the prevention, deterrence, and response to incidences of corruption.
   - 5.1. Developing evidence-based knowledge and informed understanding of corruption and anti-corruption.
   - 5.2. Raising civic awareness of what is corruption and its threats and anti-corruption measures.

   - 6.1. Strengthening the roles of the private sector, media and civil society as key watchdogs of public accountability and as ways to assist with the prevention and deterrence of corruption.
   - 6.2. Strengthening anti-corruption measures in local governance institutions.
   - 6.3. Strengthening the ethics and professional standards of professional groupings and other self-organising bodies and institutions.
2.4. ACTIONS

2.4.1. ACTIVITY IMPLEMENTATION PLAN

Appendix A gives the detailed activity implementation plan of this NACP Plan of Action 2023/24-2027/28.

2.4.2. THEORY OF CHANGE

The Theory of Change presented in Figure 4 shows the linkages between the vision, mission, strategic objectives, strategies and activities as well as the assumptions about what will be required to achieve the vision, mission and objectives through the implementation of planned activities. It presents a logical framework about the change expected to happen if this NACP and its Plan of Action is implemented within its 5-year period of 2023/24-2027/28.
**Vision and Mission**

**Vision** - “Towards a corruption free Samoa”.

**Mission** – “To prevent, curb and address corruption in all its forms”.

**Strategic Objectives**

1. Strengthening political governance.
2. Enhancing administrative governance and effectiveness.
3. Improving corporate governance.
4. Strengthening the national anti-corruption policy, legal and institutional framework.
5. Enhancing the prevention, deterrence, and response to incidences of corruption.

**Strategies**

1. Reforming of electoral system including legislation.
2. Strengthening parliamentary authority, oversight and governance administration.
3. Managing political interference in public service and administration.
4. Improving transparency, public accountability and leadership at the political level.
5. Strengthening political interference in corporate governance and administration.
6. Inculcating good governance in public bodies.
7. Strengthening integrity, professionalism and ethics in the public administration.
8. Improving public administration transparency, accountability and leadership.
9. Managing political interference in corporate governance and administration.
10. Inculcating good governance in public bodies.
11. Strengthening integrity, professionalism and ethics in the public administration.
12. Improving public administration transparency, accountability and leadership.
13. Developing and implementation of sector and agency level anti-corruption policies, operating procedures, standards, and guidelines.
14. Legislative reforms to ensure an adequate and robust legal framework for anti-corruption.
15. Establishment, revival and strengthening of anti-corruption bodies.
16. Strengthening the monitoring and evaluation of anti-corruption measures.
17. Developing evidence-based knowledge and informed understanding of corruption and anti-corruption.
18. Raising civic awareness of what is corruption and its threats and anti-corruption measures.
19. Developing the capacity in the prevention, deterrence, and prosecuting corruption.
20. Strengthening the monitoring and evaluation of anti-corruption measures.
21. Strengthening the roles of the private sector, media and civil society as key watchdogs of public accountability and as ways to assist with the prevention and deterrence of corruption.
22. Strengthening anti-corruption measures in local governance institutions.
23. Strengthening the ethics and professional standards of professional groupings and other self-organising bodies and institutions.
24. Enhancing the coordination and collaborative mechanisms for anti-corruption.

**Activities**

- Government recognises the need to prevent corruption and address its risks and threats to Samoa and its people.
- Individuals, groups and organisations are willing to collaborate to prevent, curb and address corruption.
- Sufficient resources and support will be provided to implement anti-corruption measures as outlined in this NACP.
- People and communities are amenable to change and to implement anti-corruption measures.
3. IMPLEMENTATION

3.1. IMPLEMENTATION ARRANGEMENTS

The National Anti-corruption Policy (NACP) Plan of Action 2023/24-2027/28’s Activity Implementation Plan (with costing) is in Appendix A.

All organisations identified as implementing partners in the Activity Implementation Plan (see Appendix A) must ensure integration of this Implementation Plan in their organisations’ annual work plans and budget preparations, reviews and evaluation processes and mechanisms, as well as developmental initiatives and programs. The work of these organisations is coordinated through the Samoa United Nations Convention against Corruption Committee (SION)/Samoa Integrity Organisations Network (SION) as the coordination mechanism and governance structure for the NACP 2023/24-2027/28.

It is important to maintain flexibility with the implementation of the NACP 2023/24-2027/28, as a rolling plan that is regularly reviewed, revised and adapted to ensure relevancy and taking into consideration lessons learnt from previous years’ implementation progress.

3.2. GOVERNANCE MECHANISMS

The SION (Samoa Integrity Organisations Networks) provides the leadership, management and governance oversight for the adoption and implementation of the NACP. The TOR of the SION needs to ensure the inclusion of a role for the SION to provide strategic leadership, governance, and monitoring oversight on anti-corruption development, including this NACP 2023/24-2027/28.

The National Anti-Corruption Agency (proposed to be established) is the lead implementing agency of this Policy. In the period while the National Anti-Corruption Agency (NACA) is yet to be established and in operation (following the completion of the required approval process for its set-up) as a standalone body, it is proposed that the Ombudsman Office takes on the role of the NACA. The NACA will have to be housed as an additional mandate to the Ombudsman as was done in 2013 for the National Human Rights Institution (NHRI) with the expectation for the NACA to be a standalone agency in the medium term. Also given that PSC has been the Secretariat for the last 4 years on this project, it would be logical for them to co-lead with NACA on the implementation of the policy.

The NACA is the National Anti-corruption Policy Focal Point (NACFPFP) of the NACP; the Secretariat to the SION and will be the key leading facilitator of the implementation of this NACP 2023/24-2027/28. The NACA together with the SION will be the leading agents of change and champions of this NACP 2023/24-2027/28. Also given that Public Service Commission (PSC) has been the Secretariat for the last four years on this project, it would be logical for PSC to co-lead with NACA on the implementation of the policy in the medium term during the transition phase of establishing the NACA, and for the PSC to transfer over the current Secretariat role to the NACA once NACA is fully operational.

To ensure adoption of this anti-corruption development and reform work, it is recommended that each SION member organisation and other key anti-corruption stakeholders and partners identify their Anti-corruption Focal Point (AFP) within their respective ministry/agency/organisation to work with SION.
member organisations and NACA in coordinating the implementation of this NACP 2023/24-2027/28, including providing joint monitoring and evaluation of implementation progress.

Further outlined in this NACP 2023/24-2027/28 are activities aimed at fostering collaboration, cooperation and partnerships among government and non-government partners on the implementation of anti-corruption measures outlined in the Implementation Plan (see Appendix A). Section 1.4.4. identifies the roles and responsibilities of different actors in anti-corruption.

Technical and financial support are to be made available to all implementing partners/organisations so that they are able to implement anti-corruption initiatives re strategies and activities identified in this NACP 2023/24-2027/28. Technical and financial support through bilateral and multilateral assistances are to be solicited to enable the implementation of this Plan of Action NACP 2023/24-2027/28.

Incorporating all of the above, the implementation governance structure of this NACP 2023/24-2027/28 is in Figure 5:

Figure 5: NACP 2023/24-2027/28 Governance Structure

The Government leadership support and budget allocation should be sought on the implementation of this NACP Plan of Action. The multi-year budget for the implementation of the NACP Plan of Action is provided in Appendix B.

Financing options available to the government through the SION and NACA to implement this NACP 2023/24-2027/28 Plan of Action include:
• Reallocation of existing ministries’ funded outputs and activities;
• Allocation of funding collected from taxation and proceeds of crime into anti-corruption measures; and
• Financial and technical assistances sought from bilateral and multi-lateral arrangements with development partners – at the national, regional and global levels.

The SION and NACA should also seek financial support from Technical Partners (e.g., UN Office on Drugs and Crime and other UN agencies) and other development partners (World Bank, ADB, DFAT, MFAT NZ, etc.) and relevant regional and global organisations (SPC, Pacific Island Forum Secretariat (PIFS), etc.) for the implementation of this NACP Plan of Action 2023/24-2027/28.

3.4. MONITORING AND EVALUATION

The indicative Monitoring and Evaluation (M&E) framework of this NACP Plan of Action 2023/24-2027/28 is provided as Appendix C.

Improvement in implementation and in the development of follow-up or subsequent plans of an action (beyond this 2023/24-2027/28 Plan of Action) requires the sharing of information on the progress of implementation and lessons learned with relevant partners and stakeholders.

M&E will be led by the NACA as the leading ministry responsible for the administration of anti-corruption measures. The NACA and SION members will provide the coordination and technical support in ensuring effective and efficient monitoring and evaluation of the NACP. Such support is needed for the production of reliable data and information for M&E, such as for the preparation of required reports documenting implementation progress of the NACP Plan of Action 2023/24-2027/28.

**Annual work plan and budget:** the annual work plan and budget will serve as the primary reference documents for the purpose of monitoring the achievement of results. The NACA with support of the SION are tasked with the responsibility of ensuring implementation of the NACP Plan of Action 2023/24-2027/28. As such, it is important to ensure alignment of the annual work plan and budget for this NACP Plan of Action 2023/24-2027/28 to SION member organisations and other implementing partners’ planning and budgetary processes.

**Sixth monthly and annual reporting:** Sixth monthly and annual reports need preparation by the NACA for submission to the SION. Reports also need to be submitted to Cabinet on a regular basis to inform leaders about achievements made. Reports should include updated information and narrative summary of results achieved against the NACP Plan of Action 2023/24-2027/28, lessons learnt and way forward.

**Annual reviews:** Based on the above reports, annual reviews should be conducted in the fourth quarter of the year or shortly after, to assess progress made against the NACP Plan of Action and to review the annual plan for the following year. In the last year of the Plan of Action, this review will also be a final assessment. This review is driven by the SUNCAA and should involve all key stakeholders for feedback. The review must focus on the extent to which progress is being made on the NACP Plan of Action 2023/24-2027/28. Any changes to the Implementation Plan based on available resources and lessons learnt should be considered at meetings of the SION.
**Mid-term and completion reviews/evaluation:** Ongoing improvements and maintaining momentum in the implementation of the NACP Plan of Action 2023/24-2027/28 require regular independent evaluation to assess progress and to map the way forward. The implementation of anti-corruption measures is a complex area because of the required behavioural and attitudinal changes that need to happen. As such, ongoing reflections through reviews and evaluations are critical for feedback and ongoing improvements.
REFERENCES


### A: IMPLEMENTATION PLAN

**Vision:** "Towards a corruption free Samoa".

**Mission:** “To prevent, curb and address corruption in all its forms.”

<table>
<thead>
<tr>
<th>Strategic Objectives, Strategies and Actions</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
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<tr>
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<td>2023/24</td>
<td>2024/25</td>
<td>2025/26</td>
<td>2026/27</td>
<td>2027/28</td>
</tr>
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<td></td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
</tr>
</tbody>
</table>

#### Strategic objective 1. Strengthening political governance.

1.1. Reforming of electoral system and legislation.

1.1.1. Taking an anti-corruption approach/perspective, conduct an independent study/review of the electoral system (within the context of Samoa’s political and governance systems) to provide recommendations on how to prevent and minimise electoral corruption, and to see if the current electoral and voting system is still relevant to Samoa’s current and future political development needs.

<table>
<thead>
<tr>
<th></th>
<th>Expected outputs</th>
<th>Lead agency</th>
<th>Implementing partners</th>
<th>Budget (SAT$)</th>
<th>Inputs and Budget Descriptions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Independent study/review completed and disseminated.</td>
<td>OEC</td>
<td>SION members and stakeholders, development partners support.</td>
<td>70,000</td>
<td>TA if needed</td>
</tr>
</tbody>
</table>
1.1.2. Include as part of the study/review under 1.1.1, a study/survey and assessments to identify public perceptions about electoral corruption as well as to determine the prevalence, extent, and nature of corruption in elections.

<table>
<thead>
<tr>
<th>Independent study/review completed and disseminated.</th>
<th>OEC</th>
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<tbody>
<tr>
<td>covered under 1.1.1.</td>
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</table>

1.1.3. Included in the study/review under 1.1.1 an inquiry into the issue of culture and corruption in elections, and to provide recommendations on how to address this issue.

<table>
<thead>
<tr>
<th>Independent study/review completed and disseminated.</th>
<th>OEC</th>
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<tbody>
<tr>
<td>covered under 1.1.1.</td>
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</table>

1.1.4. With leadership support from OEC, provide targeted support to OEC and its key partners to adopt and implement the recommendations from the study/review completed under 1.1.1.

<table>
<thead>
<tr>
<th>Support provided with evidence of electoral reforms taking place.</th>
<th>OEC</th>
</tr>
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<tbody>
<tr>
<td>100,000</td>
<td>estimate</td>
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</table>

1.1.5. Raise public awareness of electoral anti-corruption laws, the importance of voting on public policy issues, and to build informed understanding of the public about corruption and its risks and impacts on elections and political governance.

<table>
<thead>
<tr>
<th>Public awareness programs.</th>
<th>OEC</th>
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</thead>
<tbody>
<tr>
<td>100,000</td>
<td>estimate</td>
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1.2. Strengthening parliamentary authority, oversight and governance administration.

1.2.1. Strengthen the application and enforcement of the Members of Parliament/Parliament Code of Conduct/Ethics.

<table>
<thead>
<tr>
<th>Evidence of the code being enforced and strengthened in its application</th>
<th>OCLA</th>
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<tbody>
<tr>
<td>TA if needed</td>
<td>70,000</td>
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1.2.2. Review parliamentary systems, policies, rules, procedures (including governance

<table>
<thead>
<tr>
<th>Review report.</th>
<th>OCLA</th>
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</thead>
<tbody>
<tr>
<td>TA if needed</td>
<td>70,000</td>
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</tbody>
</table>
mechanisms), etc to assess gaps and areas requiring strengthening.

| 1.2.3. Consider policy and legislative reviews, amendments and development to facilitate improved independence and impartiality of the Speaker of the Parliament taking into consideration international best practices. | x x x x x x x x Review report. OCLA | 70,000 TA if needed |
| 1.2.4. Develop a written policy and procedures documenting, clarifying and prescribing the role of the caretaker Government taking into consideration international best practices. | x x Written policy and procedures. OCLA | 70,000 TA if needed |
| 1.2.5. Consider the direct submission of all audit reports to Parliament by the Samoa Audit Office (to avoid cases of withholding, fabricating and modifying information) and to ensure independence of the National Audit function. | x x x x x x x x x x x x x x x x x x x x x x x Audit reports submitted directly to Parliament. SAO | Required just a rule or procedure amendment. |
| 1.2.6. Ensure the continuation of trainings, capacity building and other development initiatives/programs for Members of Parliament, in response to their identified training and professional/capacity development needs. | x x x x x x x x x x x x x x x x x Training and capacity development programs/initiatives provided. OCLA | 100,000 estimate |

### 1.3. Managing political interference in public service and administration.

| 1.3.1. Introduce a Prime Minister’s Directive in governing demarcation of powers between Ministers and CEOs/Heads of Ministries/Government Agencies. | x x x x Written Directive PSC SION members and stakeholders, | 30,000 TA if needed |
1.3.2. Introduce a Prime Minister’s Directive governing and clarifying the nature and extent of political interference in the public administration’s operational matters and including the role and conduct of public servants in dealing and working with their political masters/leaders.

<table>
<thead>
<tr>
<th>Written Directive</th>
<th>PSC</th>
<th>development partners support.</th>
<th>30,000</th>
<th>TA if needed</th>
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</thead>
</table>

1.3.3. Introduce clear policies, rules, procedures and guidelines:

- a) on refraining politicians and any highly influential persons from interfering with the recruitment, selection, appointment, and promotion of key positions in the public administration; and
- b) to manage political interference and roles in other key areas of the public administration where such influence/roles can undermine the integrity and affect proper administration and operation of the public administration in accordance with the relevant prevailing policies, laws and best practices.

<table>
<thead>
<tr>
<th>Written policies, procedures and rules</th>
<th>PSC</th>
<th>100,000</th>
<th>estimate</th>
</tr>
</thead>
</table>

1.3.4. Consider bringing back to the Public Service Commission the authority for the appointment of ACEOs and CEOs and including strengthening the screening, vetting, recruitment selection, appointment (i.e., merit process), termination, and contractual policies and procedures on CEOs and ACEOs employment as to ensure meritocracy and observance of others best practices and principles in employment matters.

| Cabinet directive(s) | PSC | |
|----------------------|-----||

1.4. Improving transparency, public accountability and leadership at the political level.
1.4.1. Introduce and implement a Code of Leadership for Politicians (i.e., Leadership Code as a law).

| x | x | x | x |

Leadership Code developed and endorsed. Ombudsman

70,000 TA if needed

1.4.2. Introduce a policy and associated rules, procedures and guidelines pertaining to the exchanges of faaaloaloaga (cultural aspects) between government and external parties in cases/events where public monies/resources are used. Review the policy as necessary.

| x | x | x | x |

Written policy developed and endorsed. OCLA

50,000 TA if needed

1.4.3. From an anti-corruption perspective, introduce a policy and associated rules, procedures and guidelines pertaining to the acceptance and declaration of gifts, donations, handouts and other similar items by Politicians. Review and amend the policy as necessary.

| x | x | x | x | x | x | x | x |

Written policy developed and endorsed. OCLA

50,000 TA if needed

1.4.4. Issue a policy directive to create accountability and transparency in defining the exercise of power of Minister as stipulated in legal provisions especially in procurement and financial systems.

| x | x | x | x |

Written policy developed and endorsed. MOF & PSC

50,000 TA if needed

**Indicative budget for Strategic Objective 1**

1,030,000

**Strategic objective 2. Enhancing administrative governance and effectiveness.**

2.1. Strengthening effectiveness of public service delivery.

2.1.1. Assess public service policies, rules, procedures and guidelines to identify gaps and to remove unnecessary red tapes and constraints to effective operation and service delivery across key public service areas.

| x | x | x | x | x | x | x |

Assessment report. PSC

70,000 TA if needed
2.1.2. Enhance the adoption/use of automation processes and technological tools and systems across government operations in order to improve the way services are being provided, and to reduce red tape and corruption.

2.1.3. Assess ways to improve services, especially in service areas most prone to corruption.

2.1.4. Reorient public servants and ultimate purpose of the public service (i.e., to serve the public) as to strengthen the 'service culture' of the public service.

2.1.5. Review remuneration and conditions of employment/service of staff working in areas most prone to corruption to identify and address whether low/poor remuneration and conditions is contributing to corruption in these work areas.

2.2. Improving policy, governance, monitoring and evaluation functions in corruption risk areas.

<table>
<thead>
<tr>
<th>2.2.1. Improve the oversight of public financial management and auditing functions across the public administration. Improve financial management policies, rules, procedures, systems and operations where necessary.</th>
<th>X X X X X X X X X X X X X X X X X X X X</th>
<th>Assessment reports.</th>
<th>MOF &amp; SAO</th>
<th>SION members and stakeholders, development partners support.</th>
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<th>TA if needed</th>
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<tr>
<td>2.2.2. Improve the oversight of public procurement policies, rules, procedures, systems and operations. Improve procurement policies, rules, procedures, systems and operations where necessary.</td>
<td>X X X X X X X X X X X X X X X X X X X X</td>
<td>Assessment reports.</td>
<td>MOF &amp; SAO</td>
<td>SION members and stakeholders, development partners support.</td>
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<td>TA if needed</td>
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</table>
### 2.2.3. Conduct a policy audit across the public administration to identify status of policy development, implementation, enforcement/compliance, monitoring and evaluation and address key gaps identified.

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<th>Policy audit report.</th>
<th>PSC</th>
<th>70,000</th>
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### 2.2.4. Assess how well governance, monitoring and evaluation functions are being applied across the public administration and address key gaps identified.

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<th>Assessment reports.</th>
<th>PSC</th>
<th>70,000</th>
<th>TA if needed</th>
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### 2.3. Strengthening integrity, professionalism and ethics in the public administration.

#### 2.3.1. Provide pre-service and in-service trainings to build and strengthen understanding of integrity, ethics and professionalism as well as anti-corruption policies, laws/rules and procedures across the public administration including how they are to be applied and observed by staff at different levels and work areas.

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<th>Trainings reports.</th>
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#### 2.3.2. Enforce meritocracy across the public administration.

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<th>Assessment reports.</th>
<th>PSC</th>
<th>70,000</th>
<th>TA if needed</th>
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#### 2.3.3. Assess how well the code of conduct is being applied, observed and enforced across the public administration and identify ways to strength application and compliance.

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<th>M&amp;E reports.</th>
<th>PSC</th>
<th>70,000</th>
<th>TA if needed</th>
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#### 2.3.4. From an anti-corruption perspective, introduce a policy and associated rules, procedures and guidelines pertaining to the request for, acceptance and declaration of, gifts, donations, handouts and other similar items by

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<th></th>
<th>Written policy endorsed and disseminated.</th>
<th>PSC</th>
<th>70,000</th>
<th>TA if needed</th>
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</table>
2.4. Enhancing public administration transparency, accountability and leadership.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
<th>Status</th>
<th>Evaluations</th>
<th>Authorizing Agency</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.4.1.</td>
<td>Build the accountability of senior management across the public administration for ethical conduct in their respective organisations.</td>
<td>x x x x x x x x x x x x x x x x Assessment reports.</td>
<td>X</td>
<td>PSC</td>
<td>200,000</td>
</tr>
<tr>
<td>2.4.2.</td>
<td>Develop and implement a policy and associated rules, procedures and guidelines on public access to information kept and administered by public servants.</td>
<td>x x</td>
<td>Written policy endorsed and disseminated</td>
<td>PSC</td>
<td>70,000</td>
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<tr>
<td>2.4.3.</td>
<td>Enforce the adoption and implementation of a complaint management and handling policy and mechanisms across the public administration.</td>
<td>x x x x x x x x x x x x x x x x</td>
<td>Written policy endorsed and disseminated</td>
<td>Ombudsman</td>
<td>70,000</td>
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<tr>
<td>2.4.4.</td>
<td>Improve the performance management systems across the public administration.</td>
<td>x x x x x x x x x x x x x x x x M&amp;E reports.</td>
<td>PSC</td>
<td>70,000</td>
<td></td>
</tr>
<tr>
<td>2.4.5.</td>
<td>Improve the independent and apolitical oversight, monitoring and evaluation roles of the Public Service Commission with regards to governance, human resource management, performance management, and anti-corruption practices across the public administration.</td>
<td>x x x x x x x x x x x x x x x x</td>
<td>Independent M&amp;E reports.</td>
<td>PSC</td>
<td>70,000</td>
</tr>
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Indicative Budget for Strategic Objective 2: **1,960,000**
Strategic objective 3. Improving corporate governance.

### 3.1. Managing political interference in corporate governance and administration.

<table>
<thead>
<tr>
<th>3.3.1. Introduce a Prime Minister’s Directive in governing demarcation of powers between Ministers and CEOs/Heads of public bodies/corporate entities. Monitor, evaluate and review the policy.</th>
<th>x</th>
<th>x</th>
<th>Written directive disseminated</th>
<th>MPE</th>
<th>30,000</th>
<th>TA if needed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3.2. Introduce (and review where necessary) clear policies, rules, procedures and guidelines: a) on the appointment of politicians (or political alliances) as Chairperson or members to Boards of Directors of Public Bodies; b) on refraining politicians and any highly influential persons from interfering with the recruitment, selection, appointment, and promotion of key positions in public bodies; and c) to manage political interference and roles in other key areas of public bodies governance, policy and operation where such influence/roles can undermine the integrity and affect proper operation of public bodies in accordance with the relevant prevailing policies, laws and best practices.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>Written policies endorsed and disseminated</td>
</tr>
<tr>
<td>3.3.3. Introduce a clear policy and associated rules, procedures and guidelines pertaining to the governance of public bodies in terms of the demarcation and boundaries of power/authority and procedures between boards, cabinet and other key authorities (e.g., Ministry of Finance and Ministry of Public Enterprises). Review the policy where necessary.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>Written policy endorsed and disseminated</td>
</tr>
</tbody>
</table>
### 3.2. Inculcating good governance in public bodies.

<table>
<thead>
<tr>
<th>3.2.1. Assess governance mechanisms across all public bodies and address key gaps identified.</th>
<th>x x x</th>
<th>Assessment report.</th>
<th>MPE</th>
<th>70,000</th>
<th>TA if needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.2. Introduce a clear policy and associated rules, procedures and guidelines pertaining to the governance of public bodies. Monitor implementation of the policy.</td>
<td>x x x x x x x x x x x x</td>
<td>Written policy endorsed and disseminated.</td>
<td>MPE</td>
<td>70,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>3.2.3. Strengthen the independent and robust monitoring and evaluation of public bodies.</td>
<td>x x x x x x x x x x x x</td>
<td>M&amp;E reports.</td>
<td>MPE</td>
<td>70,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>3.2.4. Improve performance management systems in public bodies.</td>
<td>x x x x x x x x x x x x</td>
<td>M&amp;E reports.</td>
<td>MPE</td>
<td>70,000</td>
<td>TA if needed</td>
</tr>
</tbody>
</table>

### 3.3. Improving resilience against the threats and risks of corruption.

| 3.3.1. Conduct a comprehensive and in-depth (quantitative and qualitative) study assessing the level, nature and prevalence of corruption in public bodies. | x x x x x x x x x x x x | Study report completed with findings disseminated. | SBS | 100,000 | 20k per year |
| 3.3.2. Improve the oversight of public financial management and auditing functions of public bodies including oversight of the purpose and utilisation of funds provided by the government to public bodies. Improve procurement policies, rules, procedures, systems and operations where necessary. | x x x x x x x x x x x x | M&E reports. | MOF & MPE | 70,000 | TA if needed |
| 3.3.3. Improve the oversight of public procurement policies, rules, procedures, systems and operations in public bodies. Improve procurement policies, rules. | x x x x x x x x x x x x | M&E reports. | MOF & MPE | 70,000 | TA if needed |
### 3.2.4. Improve meritocracy and human resource management practices in public bodies.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Indicators</th>
<th>Reports</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide pre-service and in-service trainings to build and strengthen understanding of integrity, ethics and professionalism as well as anti-corruption policies, laws/rules and procedures in public bodies including how they are to be applied and observed by management and staff at different levels and work areas.</td>
<td>x x x x x x x x x x x x x x x x x x</td>
<td>M&amp;E reports.</td>
<td>MPE</td>
</tr>
<tr>
<td>Build the accountability of senior management of public bodies for ethical conduct in their respective organisations.</td>
<td>x x x x x x x x x x x x x x x x x x</td>
<td>M&amp;E and capacity development reports.</td>
<td>MPE</td>
</tr>
<tr>
<td>2.4.2. Develop and implement a policy and associated rules, procedures and guidelines on public access to information kept and administered by public bodies.</td>
<td>x x</td>
<td>Written policy endorsed and disseminated</td>
<td>MPE</td>
</tr>
<tr>
<td>2.4.3. Enforce the adoption and implementation of a complaint management and handling policy and mechanisms in all public bodies.</td>
<td>x x x x x x x x x x x x x x x x x x</td>
<td>Written policy endorsed and disseminated</td>
<td>MPE</td>
</tr>
</tbody>
</table>

**Indicative Budget for Strategic Objective 3**

<table>
<thead>
<tr>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,220,000</td>
</tr>
</tbody>
</table>

### 3.4. Improving transparency, accountability and leadership of public bodies.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Indicators</th>
<th>Reports</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve meritocracy and human resource management practices in public bodies.</td>
<td>x x x x x x x x x x x x x x x x x x</td>
<td>M&amp;E reports.</td>
<td>MPE</td>
</tr>
</tbody>
</table>

**Strategic objective 4. Strengthening the national anti-corruption policy, legal and institutional framework.**
### 4.1. Developing and implementation of sector and agency level anti-corruption policies, operating procedures, standards, and guidelines.

<table>
<thead>
<tr>
<th>4.1.1. Oblige or mandate the public sector to develop Organisational Anti-corruption Policy (with associated rules, procedures and guidelines) with direction provided by this NACP and with support provided by the SION.</th>
<th>Written policy directive endorsed and disseminated</th>
<th>NACA</th>
<th>70,000</th>
<th>TA if needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.2. Develop all required policies (and associated rules, procedures and guidelines) to enable and direct the implementation of the anti-corruption requirements under the UNCAC (as outlined in Annex B to the Appendix C of this NACP). Examples of needed policy (strategic and operational) and associated procedures include:</td>
<td>Written policies endorsed and disseminated</td>
<td>NACA</td>
<td>250,000</td>
<td>50k per year. TA if needed.</td>
</tr>
<tr>
<td>- Anti-Bribery Policy and Management System.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- How to report, investigate and prosecute different forms and levels of Corruption.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Mechanism for inter-agency cooperation among law enforcement and other integrity/anti-corruption agencies, covering domestic, regional and international cooperation as well.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Extradition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- How to exercise the independence and conflict of interests of anti-corruption agencies in handling corruption cases.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Complaint Management and Handling - including how to report corruption.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Money laundering</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
- illicit enrichment
- Criminal immunity
- Disqualification procedures for public officials (with criminal conviction or undergoing investigations) from holding office especially in sensitive posts.
- Whistleblowing
- Freedom of Information
- Privacy Protection
- etc

4.1.3. Facilitate implementation of Organisational Anti-corruption Policy and other related national anti-corruption policies (as outlined above) with support provided by the SION.

| Implementation/M&E Reports. | NACA | SION members and stakeholders, development partners support. | 70,000 | TA if needed |

4.1.4. Monitor the effective implementation of anti-corruption policies across the public sector including assessing policy impact on anti-corruption, integrity and good governance.

| Implementation/M&E Reports. | NACA | SION members and stakeholders, development partners support. | 70,000 | TA if needed |

4.2. Legislative reforms to ensure an adequate and robust legal framework for anti-corruption.

4.2.1. Based on the scoping and assessment reports of Samoa’s compliance with the UNCAC (see Annex B to the Appendix C of this NACP), conduct a legislative assessment detailing key legislation that Samoa need to amend, draft/develop, and enact to address identified legislative gaps.

| Assessment report | SLRC | SION members and stakeholders, development partners support. | 70,000 | TA if needed |
4.2.2. Consistent with 4.2.1, amend, develop/draft, and enact legislation to enable/enforce the following anti-corruption measures:

- National Anti-corruption Body
- Revival/re-instatement of the National Prosecution Office.
- Privacy Protection Law.
- Leadership Code
- Whistleblowing
- Privacy Protection.
- Information Access - right to access information
- others as identified.

| 4.2.3. Monitor the effective enactment, adoption, implementation and enforcement of anti-corruption laws. | x x x x x x x x x x x x x x x | M&E reports | NACA | 100,000 | 20k per year M&E costs. |

4.3. Establishment, revival and strengthening of anti-corruption bodies.

<p>| 4.3.1. Revive/reinstate the National Prosecution Office (NPO). Monitor the progress of the reinstatement of the NPO. Provide the necessary support to ensure the office is up and running and is functioning well in terms of its mandated roles and has the capacity to perform its roles. | x x x x x x x x x x x x x | Cabinet Directive and Act enacted. | PSC | 70,000 | TA if needed. costs for the NPO operation not included. |</p>
<table>
<thead>
<tr>
<th><strong>4.3.2. Establish the SION (Samoa Integrity Organisations Network). Provide the necessary support to ensure the SION is effective in performing its roles.</strong></th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th>Cabinet Directive and Act enacted.</th>
<th>PSC</th>
<th>50,000</th>
<th>TA if needed.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.3.3. Establish the National Anti-corruption Body whose role is to implement this body and to facilitate prevention, deterrence, investigation and prosecution of corruption. Provide the necessary support and resources required to ensure the office is established and up and running and is functioning well.</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>NPO up and running and is in fully functioning</td>
<td>PSC</td>
<td>70,000</td>
</tr>
<tr>
<td><strong>4.3.4. Build and develop the capacity (human, technical, financial, physical, etc.) of anti-corruption bodies.</strong></td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>NPO up and running and is in fully functioning</td>
<td>NACA</td>
<td>100,000</td>
</tr>
</tbody>
</table>

**4.4. Strengthening credibility and independence of law enforcement agencies and legal and judiciary system.**

| **4.4.1. Conduct a comprehensive assessment of the capacities of law enforcement agencies to identify gaps and required capacity development needs.** | x | x | x | x | x | x | x | x | x | x | x | Assessment report | NACA | 70,000 | TA if needed |
| **4.4.2. Provide training and professional development for law enforcement agencies based on the priority capacity development needs.** | x | x | x | x | x | x | x | x | x | x | x | Training reports. | NACA | 100,000 | TA if needed |
| **4.4.3. Conduct a comprehensive assessment of the judiciary system to identify gaps and areas needing improvement or further development.** | x | x | x | x | x | x | x | x | x | x | x | Assessment report | NACA | 70,000 | TA if needed |
| **4.4.4. Provide targeted support to law enforcement and judiciary to assist with** | x | x | x | x | x | x | x | x | x | x | x | x | Reports on support provided and | NACA | 100,000 | TA if needed |
strengthening their roles and performance in response to the handling of corruption cases.

**Indicative Budget for Strategic Objective 4**

strengthening work undertaken.

<table>
<thead>
<tr>
<th>Strategic objective 5. Enhancing the prevention, deterrence, and response to incidences of corruption.</th>
</tr>
</thead>
</table>

**5.1. Developing evidence-based knowledge and informed understanding of corruption and anti-corruption.**

<p>| S.1.1. Conduct a rapid assessment of what evidence-based knowledge that are needed to develop over time. | x | x | | | | | Assessment report. | NACA | 70,000 | TA if needed |
|---|---|---|---|---|---|---|---|---|---|---|---|
| S.1.2. Conduct in-depth studies and research in corruption and anti-corruption. | x | x | x | x | x | x | x | x | Study and research reports with findings disseminated. | NACA | 70,000 | TA if needed |
|---|---|---|---|---|---|---|---|---|---|---|---|</p>
<table>
<thead>
<tr>
<th>S.1.3 Consider the inclusion of Samoa in the Global ‘Corruption Perceptions Index (CPI)’ in order to have a national benchmark for Samoa.</th>
<th>x</th>
<th>x</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>CPI inclusion of Samoa.</th>
<th>NACA</th>
<th>SION members and stakeholders, development partners support.</th>
<th>50,000</th>
<th>TA if needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.1.4. Standardise the conducting a national survey to identify public perception, attitudes and opinions on corruption (e.g., a every 5-year survey).</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>National survey conducted regularly with findings disseminated.</td>
<td>NACA</td>
<td>70,000</td>
</tr>
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</tr>
<tr>
<td>S.1.5. Utilise evidence-based knowledge (or study/research findings) to inform the development, reviews and implementation of anti-corruption measures.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>Policy reviews/development.</td>
<td>NACA</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>S.1.6. Ensure wider dissemination of evidence-based knowledge (or study/research findings) to</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>Knowledge products</td>
<td>NACA</td>
<td>70,000</td>
</tr>
</tbody>
</table>

1,510,000
build informed understanding of corruption and anti-corruption.

### 5.2. Raising civic awareness of what is corruption and its threats and anti-corruption measures.

<table>
<thead>
<tr>
<th>S.2.1. Develop a civil awareness strategy on what is corruption and anti-corruption.</th>
<th>x</th>
<th>x</th>
<th>x</th>
<th></th>
<th></th>
<th>Strategy endorsed.</th>
<th>NACA</th>
<th>70,000</th>
<th>TA if needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.2.2. Implement the civic awareness strategy.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>S.2.3. Monitor and evaluate the impact of the implementation of the civic awareness initiatives on people perceptions and understanding of corruption and anti-corruption.</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

### 5.3. Developing the capacity in the prevention, deterrence, and prosecuting corruption.

| S.3.1. Assess the capacity needs in the prevention, deterrence, reporting, investigation, and prosecution of corruption. | x | x | x | x | x | x | x | x | x | x | Assessment report. | NACA | 70,000 | TA if needed |
| S.3.2. Develop a capacity development strategy to address the capacity needs identify under S.3.1. | x | x | x | | | | | | | Strategy endorsed. | NACA | 70,000 | TA if needed |
| S.3.3. Implement the capacity development strategy. | x | x | x | x | x | x | x | x | x | x | Implementation reports. | NACA | 100,000 | TA if needed |
| S.3.4. Monitor and evaluate the capacity development for prevention, deterrence, reporting, investigation, and prosecution of corruption, to identify improvements, gaps and priority areas for ongoing development. | x | x | x | x | x | x | x | x | x | x | M&E reports. | NACA | 30,000 | M&E costs |
### 5.4. Strengthening the monitoring and evaluation of anti-corruption measures.

<table>
<thead>
<tr>
<th>5.4.1. Develop a monitoring and evaluation policy and system for anti-corruption.</th>
<th>x x</th>
<th></th>
<th>M&amp;E policy and system endorsed.</th>
<th>NACA</th>
<th>SION members and stakeholders, development partners support.</th>
<th>70,000</th>
<th>TA if needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.2. Implement the monitoring and evaluation policy and system.</td>
<td>x x x x x x x x x x x x x x x x x</td>
<td></td>
<td>M&amp;E reports.</td>
<td>NACA</td>
<td>50,000</td>
<td>M&amp;E costs</td>
<td></td>
</tr>
<tr>
<td>5.4.3. Utilise the findings/results of monitoring and evaluation exercises to inform needed improvement in anti-corruption measures.</td>
<td>x x x x x x x x x x x x x x x x x</td>
<td></td>
<td>M&amp;E findings adopted and utilised.</td>
<td>NACA</td>
<td>50,000</td>
<td>TA if needed</td>
<td></td>
</tr>
</tbody>
</table>

#### Indicative Budget for Strategic Objective 5

| 1,080,000 |

### Strategic objective 6. Facilitating collaboration and partnership for collective action.

**6.1. Strengthening the roles of the media and civil society as key watchdogs of public accountability and as ways to assist with the prevention and deterrence of corruption.**

<p>| 6.1.1. Identify key gaps with the roles of the media and civil society actors in performing their roles as watchdog of public accountability. |  |  | Assessment report. | NACA | SION members and stakeholders, development partners support. | 50,000 | TA if needed |
| 6.1.2. Strengthen the policy and legislative framework governing the work of the media and civil society actors as to facilitate their independence, impartiality, professionalism and code of conduct. | x x x x x x x x x x x x x x x x x | | Reports on policy and legislative strengthening work undertaken. | NACA | 70,000 | TA if needed |
| 6.1.3. Provide targeted support to the media in performing their roles in reporting and investigating incidences of corruption. | x x x x x x x x x x x x x x x x x | | Reports on support provided and development work undertaken. | NACA | 100,000 | TA if needed |</p>
<table>
<thead>
<tr>
<th>6.1.4. Provide targeted support to civil society actors in performing their watchdog roles.</th>
<th>x x x x x x x x x x x x</th>
<th>Reports on support provided and development work undertaken.</th>
<th>NACA</th>
<th>100,000</th>
<th>TA if needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2. Strengthening anti-corruption measures in local governance institutions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.2.1. Assess the extent of the adoption and application of good governance principles and practices in local village councils.</td>
<td>x x</td>
<td>Assessment report.</td>
<td>NACA</td>
<td>70,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>6.2.2. Provide targeted support (through the MWCS, district development program, etc.) to build and strengthen understanding of anti-corruption principles, policies, laws/rules and procedures in local governance institutions.</td>
<td>x x x x x x x x x x x x x x</td>
<td>Reports on support provided and strengthening/development work undertaken.</td>
<td>NACA</td>
<td>100,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>6.2.3. Provide targeted support (through the MWCS, district development program, etc.) to build and strengthen the practice by local village councils of good governance principles, practices and tools.</td>
<td>x x x x x x x x x x x x x x</td>
<td>Reports on support provided and strengthening/development work undertaken.</td>
<td>NACA</td>
<td>100,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>6.2.4. Hold public discourse on related contextual issues such as the separation of the church and the state, the contribution of church to corruption, the impact of cultural and family faalavelave on ethics and values of Samoan people, etc.</td>
<td>x x x x x x x x x x x x x x</td>
<td>Reports on discourse undertaken.</td>
<td>NACA</td>
<td>25,000</td>
<td>5k per year.</td>
</tr>
<tr>
<td>6.3. Strengthen the ethics and professional standards of professional groupings and other self-organising bodies and institutions.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.3.1. Assess the governance and anti-corruption mechanisms of professional</td>
<td>x x x x x x</td>
<td>Assessment report.</td>
<td>NACA</td>
<td>70,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>6.3.2. Based on the findings of the assessment in 6.3.1, provide targeted support to professional groupings and other self-organising bodies/institutions to build, develop and strengthen their governance and anti-corruption mechanisms.</td>
<td>x x x x x x x x x x x x x x x x x x x x</td>
<td>Reports on support provided and strengthening/development work undertaken.</td>
<td>NACA</td>
<td>70,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>6.3.3. Enhance the use of the professional standards and governance and anti-corruption mechanisms of professional groupings to improve prevention and deterrence of, as well as dealing with, corruption.</td>
<td>x x x x x x x x x x x x x x x x x x x x</td>
<td>Reports/evidence on the use of professional standards and governance and anti-corruption mechanisms.</td>
<td>NACA</td>
<td>50,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>6.3.4. Ensure the incorporation of professional groupings and other self-organising bodies/institutions in the overall national anti-corruption policy, legal and institutional framework.</td>
<td>x x x x x x x x x x x x x x x x x x x x</td>
<td>Evidence of inclusion.</td>
<td>NACA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.4. Enhance the coordination and collaborative mechanisms for anti-corruption.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.4.1. Strengthen the role of the SION in providing leadership oversight and as the coordination mechanisms for the adoption and implementation of anti-corruption measures.</td>
<td>x x x x x x x x x x x x x x x x x x x x</td>
<td>Evidence of SION roles strengthening and improving.</td>
<td>NACA</td>
<td>30,000</td>
<td>TA if needed</td>
</tr>
<tr>
<td>6.4.2. Hold bi-annual or annual public dialogue as well as targeted discussions amongst key stakeholders on the subject and matters of corruption and anti-corruption.</td>
<td>x x x x x x x x x x x x x x x x x x x x</td>
<td>Reports on dialogue undertaken.</td>
<td>NACA</td>
<td>25,000</td>
<td>5k per year.</td>
</tr>
</tbody>
</table>
6.4.3. Develop and establish formal agreements amongst anti-corruption agencies (Samoa, regional and international) on how to collaborate on the prevention, deterrence and addressing of corruption.

|                         | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x |
|                         |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Agreements formalised.  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| NACA                   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 25,000                 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |

**Indicative Budget for Strategic Objective 6**

|                         |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|                         |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Grand Total             |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|                         |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|                         |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 885,000                 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 7,685,000               |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
B: MULTI-YEAR BUDGET

Vision: “Towards a corruption free Samoa.”

Mission: “To prevent, curb and address corruption in all its forms.”

<table>
<thead>
<tr>
<th>Strategic Objectives, Strategies and Actions</th>
<th>2023/2024</th>
<th>2024/2025</th>
<th>2025/2026</th>
<th>2026/2027</th>
<th>2027/2028</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strategic objective 1. Strengthening political governance.</strong></td>
<td>465,000</td>
<td>335,000</td>
<td>65,000</td>
<td>100,000</td>
<td>65,000</td>
<td>1,030,000</td>
</tr>
<tr>
<td>1.1. Reforming of electoral system and legislation.</td>
<td>90,000</td>
<td>45,000</td>
<td>45,000</td>
<td>45,000</td>
<td>45,000</td>
<td>270,000</td>
</tr>
<tr>
<td>1.2. Strengthening parliamentary authority, oversight and governance administration.</td>
<td>195,000</td>
<td>90,000</td>
<td>20,000</td>
<td>55,000</td>
<td>20,000</td>
<td>-</td>
</tr>
<tr>
<td>1.3. Managing political interference in public service and administration.</td>
<td>60,000</td>
<td>100,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1.4. Improving transparency, public accountability and leadership at the political level</td>
<td>120,000</td>
<td>100,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Strategic objective 2. Enhancing administrative governance and effectiveness.</strong></td>
<td>70,000</td>
<td>472,500</td>
<td>472,500</td>
<td>472,500</td>
<td>472,500</td>
<td>1,960,000</td>
</tr>
<tr>
<td>2.1. Strengthening effectiveness of public service delivery.</td>
<td>70,000</td>
<td>167,500</td>
<td>167,500</td>
<td>167,500</td>
<td>167,500</td>
<td>740,000</td>
</tr>
<tr>
<td>2.2. Improving policy, governance, monitoring and evaluation functions in corruption risk areas.</td>
<td>-</td>
<td>70,000</td>
<td>70,000</td>
<td>70,000</td>
<td>70,000</td>
<td>280,000</td>
</tr>
<tr>
<td>2.3. Strengthening integrity, professionalism and ethics in the public administration.</td>
<td>-</td>
<td>115,000</td>
<td>115,000</td>
<td>115,000</td>
<td>115,000</td>
<td>460,000</td>
</tr>
<tr>
<td>2.4. Enhancing public administration transparency, accountability and leadership.</td>
<td>-</td>
<td>120,000</td>
<td>120,000</td>
<td>120,000</td>
<td>120,000</td>
<td>480,000</td>
</tr>
<tr>
<td><strong>Strategic objective 3. Improving corporate governance.</strong></td>
<td>100,000</td>
<td>315,000</td>
<td>315,000</td>
<td>245,000</td>
<td>245,000</td>
<td>1,220,000</td>
</tr>
</tbody>
</table>
### Strategic Objective 1. Managing political interference in corporate governance and administration.

- 3.1. Managing political interference in corporate governance and administration.
  - 30,000
  - 70,000
  - 70,000
  - 
  - 170,000

### Strategic Objective 2. Inculcating good governance in public bodies.

- 3.2. Inculcating good governance in public bodies.
  - 70,000
  - 52,500
  - 52,500
  - 52,500
  - 52,500
  - 280,000

### Strategic Objective 3. Improving resilience against the threats and risks of corruption.

- 3.3. Improving resilience against the threats and risks of corruption.
  - 
  - 77,500
  - 77,500
  - 77,500
  - 77,500
  - 310,000

### Strategic Objective 4. Strengthening the national anti-corruption policy, legal and institutional framework.

- 3.4. Improving transparency, accountability and leadership of public bodies.
  - 
  - 115,000
  - 115,000
  - 115,000
  - 115,000
  - 460,000

### Strategic Objective 4. Strengthening the national anti-corruption policy, legal and institutional framework.

- Strategic objective 4. Strengthening the national anti-corruption policy, legal and institutional framework.
  - 
  - 377,500
  - 377,500
  - 377,500
  - 377,500
  - 1,510,000

### Strategic Objective 5. Enhancing the prevention, deterrence, and response to incidences of corruption.

- 4.1. Developing and implementation of sector and agency level anti-corruption policies, operating procedures, standards, and guidelines.
  - 
  - 115,000
  - 115,000
  - 115,000
  - 115,000
  - 460,000

### Strategic Objective 5. Enhancing the prevention, deterrence, and response to incidences of corruption.

- Legislative reforms to ensure an adequate and robust legal framework for anti-corruption.
  - 
  - 105,000
  - 105,000
  - 105,000
  - 105,000
  - 420,000

### Strategic Objective 5. Enhancing the prevention, deterrence, and response to incidences of corruption.

- Establishment, revival and strengthening of anti-corruption bodies.
  - 
  - 72,500
  - 72,500
  - 72,500
  - 72,500
  - 290,000

### Strategic Objective 5. Enhancing the prevention, deterrence, and response to incidences of corruption.

- Strengthening credibility and independence of law enforcement agencies and legal and judiciary system.
  - 
  - 85,000
  - 85,000
  - 85,000
  - 85,000
  - 340,000

### Strategic Objective 5. Enhancing the prevention, deterrence, and response to incidences of corruption.

- Strategic objective 5. Enhancing the prevention, deterrence, and response to incidences of corruption.
  - 
  - 100,000
  - 245,000
  - 245,000
  - 245,000
  - 245,000
  - 1,080,000

### Strategic Objective 6. Facilitating collaboration and partnership for collective action.

- Strategic objective 6. Facilitating collaboration and partnership for collective action.
  - 
  - 120,000
  - 191,250
  - 191,250
  - 191,250
  - 191,250
  - 885,000
6.1. Strengthening the roles of the private sector, media and civil society as key watchdogs of public accountability and as ways to assist with the prevention and deterrence of corruption.  

<table>
<thead>
<tr>
<th></th>
<th>50,000</th>
<th>67,500</th>
<th>67,500</th>
<th>67,500</th>
<th>320,000</th>
</tr>
</thead>
</table>

6.2. Strengthening anti-corruption measures in local governance institutions.  

<table>
<thead>
<tr>
<th></th>
<th>70,000</th>
<th>56,250</th>
<th>56,250</th>
<th>56,250</th>
<th>295,000</th>
</tr>
</thead>
</table>

6.3. Strengthen the ethics and professional standards of professional groupings and other self-organising bodies and institutions.  

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>47,500</th>
<th>47,500</th>
<th>47,500</th>
<th>190,000</th>
</tr>
</thead>
</table>

6.4. Enhance the coordination and collaborative mechanisms for anti-corruption.  

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>20,000</th>
<th>20,000</th>
<th>20,000</th>
<th>80,000</th>
</tr>
</thead>
</table>

Grand Total  

<table>
<thead>
<tr>
<th></th>
<th>855,000</th>
<th>1,936,250</th>
<th>1,666,250</th>
<th>1,631,250</th>
<th>1,596,250</th>
<th>7,685,000</th>
</tr>
</thead>
</table>

C: MONITORING AND EVALUATION FRAMEWORK

Vision: “Towards a corruption free Samoa.”

Mission: “To prevent, curb and address corruption in all its forms.”

Strategic outcomes:

1. Strengthening political governance.
2. Enhancing administrative governance and effectiveness.
3. Improving corporate governance.
4. Strengthening the national anti-corruption policy, legal and institutional framework.
5. Enhancing the prevention, deterrence, and response to incidences, of corruption.

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Baselines (2023)</th>
<th>Targets (by 2028)</th>
<th>Means of verification</th>
<th>Risks</th>
<th>Strategies to manage risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prevalence of corruption in government</td>
<td>49%</td>
<td>39%</td>
<td></td>
<td>Measurements of corruption seen as a threat for the economy</td>
<td>Seek leadership support for the implementation of anti-corruption measures</td>
</tr>
<tr>
<td></td>
<td>Indicators</td>
<td>Baselines</td>
<td>Targets (by 2028)</td>
<td>Means of verification</td>
<td>Risks</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------</td>
<td>-----------</td>
<td>-------------------</td>
<td>-----------------------</td>
<td>-------</td>
</tr>
<tr>
<td></td>
<td><strong>Strategic outcome 1: Strengthening political governance.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Prevalence of corruption in business</td>
<td>45%</td>
<td>36%</td>
<td>CPI Index WGI, PAS, MICS threat rather than as an opportunity to identify the issue and to inform appropriate measures to undertake.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Prevalence of corruption in civil society</td>
<td>10%</td>
<td>8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Control of corruption</td>
<td>64%</td>
<td>77%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Governance rating</td>
<td>0.6 (out of 2.5)</td>
<td>0.7 (out of 2.5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Political stability and absence of violence/terrorism</td>
<td>1.1 (out of 2.5)</td>
<td>1.3 (out of 2.5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Rule of law</td>
<td>0.9 (out of 2.5)</td>
<td>1.1 (out of 2.5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Voice &amp; Accountability</td>
<td>0.7 (out of 2.5)</td>
<td>0.8 (out of 2.5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Government effectiveness</td>
<td>0.4 (out of 2.5)</td>
<td>0.5 (out of 2.5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Regulatory control</td>
<td>0.2 (out of 2.5)</td>
<td>0.3 (out of 2.5)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Reduced prevalence electoral corruption.
- Reforms of electoral systems and legislation for preventing and combating electoral corruption.
- Improved parliamentary oversight.
- Improved political governance.
- Reduced political interference in public administration.

- Surveys, assessments, reviews, research, studies, administrative data
- Limited political leadership to adopt and implement the anti-corruption measures and actions as outlined in this National Policy.
- Continue to seek political leadership support and leverage support from regional and international inter-governance institutions and partners.
<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Improved public accountability of political leadership.</th>
<th>NA</th>
<th>TBD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Improved national security.</td>
<td>NA</td>
<td>TBD</td>
</tr>
<tr>
<td>Strategic outcome 2: Enhancing administrative governance and effectiveness.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Improved public service effectiveness.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved public administration governance.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Reduced administrative corruption.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved financial management.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved public procurement.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved professionalism and ethics in the public administration.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved meritocracy in the public administration</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved performance of ministries/government agencies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>Strategic objective 3. Improving corporate governance.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Improved effectiveness of corporate entities.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved corporate governance in public bodies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Reduced corporate corruption in public bodies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved financial management in public bodies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved public procurement in public bodies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved professionalism and ethics in in public bodies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved meritocracy in in public bodies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>• Improved performance of public bodies.</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>Strategic objective 4. Strengthening the national anti-corruption policy, legal and institutional framework.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Improved adoption of organisational anti-corruption policies across all sectors</td>
<td>NA</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Surveys, assessments, Reviews, research, studies, administrative data</td>
<td>Limited political and administration leadership to adopt and implement the anti-corruption measures and actions as outlined in this National Policy.</td>
<td>Continue to seek political and administrative leadership support and leverage support from regional and international inter-government institutions and partners.</td>
</tr>
<tr>
<td>Strategic objective 5. Enhancing the prevention, deterrence, and response to incidences, of corruption.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• All anti-corruption policies (and rules, procedures and guidelines) are in place.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• All anti-corruption laws are in place and that Samoa has an adequate and sound legal framework in place.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• Anti-corruption measures (re policies and laws) are being effectively implemented.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• National Prosecution Office (NPO) is up and running and is functioning well.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• Samoa Integrity Organisations Network (SION) is up and running and is functioning well.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• National Anti-Corruption Agency (NACA) is being established, up and running and is functioning well.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• Improved capacities of law enforcement and integrity/anti-corruption agencies.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• Samoa is being included in the CPI (international benchmark platform).</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• Improved evidence-based knowledge of corruption and anti-corruption.</td>
<td>NA</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>• Regular national, sector and institutional measurements of corruption and anti-corruption are in place.</td>
<td>NA</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>• Improved civic awareness and informed understanding of corruption and anti-corruption.</td>
<td>NA</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>• Improved capacity in the prevention, deterrence, reporting, investigation, and prosecution of corruption.</td>
<td>NA</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>• Improved implementation, enforcement, monitoring and evaluation of anti-corruption measures.</td>
<td>NA</td>
<td>50%</td>
<td></td>
</tr>
</tbody>
</table>

| Reviews, research, studies, administrative data | leadership to adopt and implement the anti-corruption measures and actions as outlined in this National Policy. | Continue to seek political and administrative leadership support and leverage support from regional and international inter-government institutions and partners. |

Limited political and administration leadership to adopt and implement the anti-corruption measures and actions as outlined in this National Policy.
**Strategic objective 6. Facilitating collaboration and partnership for collective action.**

<table>
<thead>
<tr>
<th>• Improved the private sector, media role as a watchdog of public accountability and including their reporting capacity of corruption.</th>
<th>NA</th>
<th>50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Improved civil society’s role as watchdogs of public accountability and including their reporting capacity of corruption.</td>
<td>NA</td>
<td>50%</td>
</tr>
<tr>
<td>• Improved good governance and anti-corruption measures and practices in local governance institutions.</td>
<td>NA</td>
<td>50%</td>
</tr>
<tr>
<td>• Improved good governance and anti-corruption measures and practices in professional groups/self-governing bodies/institutions.</td>
<td>NA</td>
<td>50%</td>
</tr>
<tr>
<td>• Improved public discourse on issues/matters of significance to corruption and anti-corruption in Samoa.</td>
<td>NA</td>
<td>10 public discourses</td>
</tr>
<tr>
<td>• Improved coordination and collaboration for anti-corruption.</td>
<td>NA</td>
<td>70%</td>
</tr>
</tbody>
</table>

Limited political and administration leadership to adopt and implement the anti-corruption measures and actions as outlined in this National Policy. Continue to seek political and administrative leadership support and leverage support from regional and international inter-governance institutions and partners.

*Note: NA – not available  TBD – to be determined.*
D. SITUATIONAL ANALYSIS

1. INTRODUCTION

1.1. BACKGROUND

Samoa acceded to the United Nations Convention against Corruption (UNCAC) in April 2018. Guided by the Convention, and with the leadership support of the government, the ongoing anti-corruption development work has been spearheaded by the Samoa United Nations Convention against Corruption Committee (SUNCACC)\(^vi\). To assist with the implementation of the SUNCACC’s workplan, technical and financial support has been provided by the United Nations Pacific Regional Anti-Corruption (UN-PRAC) Project.\(^vii\) A core activity under the SUNCACC’s workplan and Terms of Reference is the development and implementation of a National Anti-Corruption Strategy/Policy for Samoa. The Strategy/Policy is a requirement under Article 5 of the Convention and the Pathway for the Development of Samoa (PDS) as well as the Samoa Public Administration Sector Plan (PASP).

1.2. CONTEXT

Samoa is a small island developing country in the South Pacific. It was the first Pacific island country to become independent in 1962 from colonial rule, Germany (in 1899) and New Zealand (in 1914). The country consists of four main islands — Savaii, Upolu, Manono and Apolima. Upolu, the main island is where the capital of Apia is situated. The population is 205,557 people, with gender ratio of 51% to 49% male to female and a youthful population of around half (50%) of the total population at the age of 21 years old and a median age of 22 (2021 Samoa Population Census).

Samoa’s governance system is a blend of the Westminster system of national government and the local fa’aSamoa system where only matai (chiefs) stand for elections to national parliament. Samoa has a relatively stable political government system. The current national government is the Faatuatua ile Atua Samoa (FAST) which came into office in 2021, taking over from the Human Rights Protection Party (HRPP) which was in office for around 40 years.

The local village-based community is governed by village councils of matai through the fa’amatai (chiefly system), which operates relatively independent from the national government in terms of decision making, law and order, and village affairs. Christianity is the main religion with the Congregational Christian Church of Samoa (CCCS), Methodist, Roman Catholic and Mormon as the main churches.

\(^vi\) The Committee consists of the Office of the Public Service Commission, Office of the Attorney General, Office of the Auditor General, Office of the Ombudsman, Ministry of Prime Minister and Cabinet, Ministry of Finance, Ministry of Foreign Affairs and Trade, Ministry of Public Enterprises, Ministry of Justice and Court Administration, Ministry of Police and Prisons Services, Ministry of Customs and Revenue, Central Bank of Samoa, Samoa Chamber of Commerce, and Samoa Umbrella of Non-Governmental Organisations. It is proposed to rename this Committee to SION (Samoa Integrity Organisations Network).

\(^vii\) The UN-PRAC is a joint initiative between UN Development Programme (UNDP) and UN Office on Drugs and Crime (UNODC) supporting institutional strengthening of national integrity mechanisms of Pacific Island countries to promote ‘clean’ governments and create an enabling environment, vibrant with business, trade, investment, and sustainable development. Based on the UNCAC and Sustainable Development Goal (SDG) 16, the project aims to strengthen measures to prevent and fight corruption more effectively and efficiently in the Pacific.
As a small developing island nation, Samoa has a narrow and open economy dependent on agriculture, fishing, tourism, remittances and service industries. The country is isolated from major world markets and is highly vulnerable to natural disasters, climate change and external shocks. Table 1 summarises Samoa’s development performances based on key global development indicators.

Table 1: Samoa’s development performance

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>GDP growth</td>
<td>1.4% (2017); -0.6% (2018); 4.5% (2019); -3.1% (2020); -7.1% (2021); -6 (2022) (World Bank, 2023)</td>
</tr>
<tr>
<td>GNI per capita</td>
<td>USD1,410 (2000); USD3,400 (2010); USD3,810 (2021); USD3,630 (2022) (World Bank, 2023)</td>
</tr>
<tr>
<td>Classification by income level</td>
<td>Lower middle income (World Bank, 2023)</td>
</tr>
<tr>
<td>Population living below the basic needs poverty line</td>
<td>18.8 (2016); 22.7 (2018) (SBS &amp; UNDP, 2016); SBS (2020); UNDP (2018)</td>
</tr>
<tr>
<td>Population in extreme poverty (below national food poverty line)</td>
<td>4.3 (2016); 6.0 (2018) (SBS &amp; UNDP, 2016); SBS (2020); UNDP (2018)</td>
</tr>
<tr>
<td>Population economically active rate</td>
<td>41% (2011); 47% (2016); 43% (SBS 2012, 2017, 2021)</td>
</tr>
<tr>
<td>National unemployment rate</td>
<td>8.7% (2012); 14.5% (2017) (SBS, ILO &amp; MCIL, 2017)</td>
</tr>
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</table>

2. CORRUPTION IN SAMOA

2.1. DEFINITION AND FORMS OF CORRUPTION IN SAMOA

2.1.1. DEFINITION OF CORRUPTION

There is no single universally accepted definition of ‘corruption’ or ‘anti-corruption’. This is the same with the UNCAC, it is left to each country to define or come up with its own definition that is appropriate in accordance with its context (e.g., scope and forms of corruption that are prevalence). The Convention instead provides a range of offences that are all encompassing types or forms of corruption or corrupt practices, and hence state parties must criminalise them. This includes bribery by national and foreign public officials as well as embezzlement, misappropriation or other diversions of property by public
The Convention also addresses acts carried out in support of corruption, illicit enrichment, obstruction of justice, trading in influence and concealment, money laundering, and bribery and embezzlement in the private sector.

Transparency International (2023) defines ‘corruption’ as ‘the abuse of entrusted power for private gain’. This definition is limited – as corruption can be viewed as mainly in relation to those elected or appointed to office, such as the politicians and public officials. The Cambridge Dictionary defines corruption as ‘illegal, bad or dishonest behaviour, especially by people in positions of power, for example, accepting money for doing something illegal or immoral’. According to the Black’s Law Dictionary (ninth edition, p. 397), corruption is the ‘depravity, perversion, or taint; an impairment of integrity, virtue or moral principles; especially the impairment of a public official’s duties by bribery’. It is also the act of doing something with an intent to give some advantage inconsistent with official duty and the rights of others; a fiduciary or official use of a station or office to procure some benefit either personally or for someone else, contrary to the rights of others’ (Samoa Attorney General’s Office Research Paper to UNODC Conference, June 2016).

Corruption is not formally defined in any policy or legislation in Samoa. As such, one of the recommendations from the 2016 Public Service Commission integrity workshop for senior government officials is that ‘the Government could determine the definition and scope of corruption that reflects the prevalence of corruption cases and the local context’. References to corruption are however made in the Crimes Act 2013 in relation to:

- Judiciary corruption, and including the bribery of judicial officer, etc.
- Corruption and bribery of a Minister, Associate Minister or Chief Executive Officer of the Government of Samoa.
- Corruption and bribery of a Minister of member of Parliament.
- Corruption and bribery of a law enforcement officer.
- Corruption and bribery of an official.

The Crimes Act 2013 contains several provisions criminalising corruption in different forms. In this regard, corruption is viewed and treated as a crime problem and mostly in relation to public officials. The Samoan translation (or fa’aSamoa meaning) of the word corruption in the fa’aSamoa version of the Crimes Act (Tulafono o Solitulafono) 2013 is ‘faiga tauvalea’. Bribery as a form or act of corruption is translated in Samoan as ‘faiga faaoloataua’ in the Crimes Act 2013.

Corruption can be contextual and can be defined or constructed from different perspectives – from a criminal point of view, from a legal definition, from a moral/morality or ethical perspective, from a value-based judgment, or from an abuse of power point of view. Viewing corruption from these different perspectives/lenses will help with having a comprehensive and inclusive understanding of corruption as a problem - as more than just a criminal offence of an individual to concerns/problems

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viii The public official is defined as covering any person holding a legislative, executive, administrative or judicial office, whether appointed or elected, whether permanent or temporary, whether paid or unpaid (as defined in the domestic law of the State Party).

ix Transparency International is a global movement of independent, non-governmental, not-for-profit and work with like-minded partners across the world to end the injustice of corruption working in over 100 countries (see https://www.transparency.org/en/about).
that are deeply rooted in a system such as a society, community or institution) and including its social-political and economic development.

The stakeholder consultation conducted in July – September 2023 show that several stakeholders recommended that a definition of corruption should be formulated taking into account Samoa’s context. However, when they were posed the question of ‘what is corruption’ and ‘what is corruption in the context of Samoa’, stakeholders were not able to come up with a single or consistent definition of what corruption is. Instead of providing a single definition of corruption, stakeholders referred to various acts and practices of corruption, including incidences of where they have seen or observed and experienced such corrupt practices.

Because of Samoa context, specific mention of culture was made – of how to define corruption in view of normal cultural norms and customs, such as during ceremonial events, gatherings, and interactions of officials and communities where there is exchanges of money, fine mats, food, and other items (for taigasu, lafo, fa’aaloaloga, etc.). The same situation is also seen during election campaigns and interactions of election candidates and constituencies. Recent court cases on petitions against election bribery and treating also sent out a message that these cultural practices during election campaigns have been recognised and legitimised. However, cultural practices can be viewed as encouraging and involving forms of bribery, favours/gifts (to influence), treating and other forms of corruption. The key question raised is where to draw the line in ‘what is culture’ and ‘what is corruption’, especially when public funds are involved, and where there are influences of cultural practices on the professional conduct of officials and other key areas such as elections/voting and providing public services.

The consultation findings suggest that:

• What is corruption in the cultural context of Samoa needs to be revisited further to clarify what is corruption and what is not when cultural practices are involved.
• Policies and procedures need to be developed to provide guidelines, parameters, thresholds, criteria, etc on how to deal with cultural practices during official duties, elections and other related areas, and to clarify what is corruption when culture is involved.
• There is a need to build wider awareness and a common understanding of what is corruption - across all sectors and especially amongst public servants across all levels of the public sector in the performance of their various roles and duties (see separate consultation report).

Given that corruption is a multifaceted phenomenon or series of phenomena, perhaps it will be too complicated to try and come up with a single or specific definition of corruption in the Samoan context. Further discussions, analysis, evidence and thinking are needed to come up with a definition that is all-encompassing of the different types/forms of corruption.
2.1.2. FORMS OF CORRUPTION

Corruption according to the provisions and requirements stated in the United Nations Convention against Corruption (UNCAC) involves bribery of national public officials; bribery of foreign public officials and officials of public international organisations; embezzlement, misappropriation or other diversions of property by a public official; trading in influence; abuse of functions; illicit enrichment; bribery in the private sector; embezzlement of property in the private sector; laundering of proceeds of crime; concealment (i.e., disguising the true nature, source or ownership of proceeds from corruption); and obstruction of justice (see Appendix A).

Corruption in these various forms is considered and treated as a criminal offence in Samoa under its laws – such as the Crimes Act 2013, Money Laundering Prevention Act 2013, and others. How effectiveness are these anti-corruption measures in terms of implementation, enforcement and applications has not been properly assessed/evaluated for the identification of gaps and areas requiring improvements in policy, laws, and other measures. Gaps with existing anti-corruption measures are discussed under section 3 of this report.

The stakeholder consultation confirmed that corruption exist in Samoa, according to the views of all stakeholders consulted. The following forms of corruption were mentioned by those consulted (see Consultation Report):

- Theft as a servant.
- Fraud.
- Not following policies and procedures - non-compliance with laws, policies and procedures.
- Abuse and misuse of office, position, authority or function.
- Abuse or misuse of office properties/assets.
- Misuse of culture.
- Unreasonable and unjust decisions.
- Discriminatory decisions/practices.
- Embezzlement.
- Illicit enrichment.
- Administrative corruption – e.g., abuse and misuse of office, position, authority or function
- Misuse of discretionary power.
- Collusion.
- Lack of good governance – lack of accountability, lack of transparency, not following the rule of law, lack of inclusivity.
- Decision made solely by one person.

* Shall mean: (i) any person holding a legislative, executive, administrative or judicial office of a State Party, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority; (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party; (iii) any other person defined as a “public official” in the domestic law of a State Party. However, for the purpose of some specific measures contained in chapter II of this Convention, “public official” may mean any person who performs a public function or provides a public service as defined in the domestic law of the State Party and as applied in the pertinent area of law of that State Party (Article 2 of the Convention).
• Politicisation of the public service.
• Treating.
• Money-laundering.
• Drugs.
• Using or manipulating the process to justify a wrong decision/action or to have an advantage over others.
• Sharing information to benefit a person over others (e.g., bidding process).
• Deliberate delaying of a process or action.
• Inaction or turning a blind eye – i.e., not doing something about a wrongdoing.
• Officials (especially leadership and management) not doing their roles.
• Bribery, tipping.
• Not acting in accordance with role (i.e., giving advice independently or not doing any action).
• Misappropriation of funds.
• Misuse of information or use of information for personal gain/advantage.
• Favouritism and nepotism
• Don’t care attitude.

2.1.3. AREAS WHERE CORRUPTION IS OCCURRING THE MOST

Based on the narratives of stakeholders consulted on their perceptions, experiences and observations of corrupt practices in Samoa, the following areas were identified as where corruption or corrupt practices could be more prevalent, and are prone to more/increased corruption:

• Elections
• Customs and revenue collection
• Border control (customs, quarantine, immigration, etc.)
• Procurement/tender
• Finance - accounts and payments
• Asset management
• Recruitment and selection
• Police
• Political interference into the public service/public administration
• Projects (e.g big projects/programs)
• Law making
• Lands and titles
• Registries – e.g., business, land
• District development program
• Church
• Village fono
2.1.4. CAUSES OF CORRUPTION

The views/perspectives of those consulted show that corruption has many manifestations, and the above-mentioned forms and practices of corruption are only symptoms of a bigger problem that needs to be well-understood and addressed. If the prevalence of corruption in a system (body, group, institution, community, society, etc.) is viewed as high or if corruption is considered a real concern, then it raises significant questions about key factors underpinning such a system (including the characters of the elements that made up such system) – and they concern the principles, values, ethos, good governance, rules, and other related elements underpinning such system.

The following causes of corruption were identified by stakeholders, which appeared to be interrelated:

- Lack of transparency.
- Lack of accountability and responsibility.
- Shifting values or changes in the value system – e.g., in the public service and in society.
- Creedy for power, money and material things.
- Poverty and increasing hardships.
- Pressures from families, churches and villages to fulfil obligations.
- Lack of awareness and understanding.
- Lack of policies and procedures.
- Unclear rules, policies and procedures.
- Lack of compliance.
- Limited enforcement.
- Lack of capacity.
- Conflicts of interest.
- Limited demarcation or separation of authorities (or what is public and what is private).

2.2. MEASUREMENTS OF CORRUPTION IN SAMOA

There has been no in-depth study or national analysis on how much corruption there is in Samoa and its effects, including and identifying where there are major concerns of corruption. This does not mean that corruption does not exist, but an in-depth comprehensive study would provide an overall picture of the nature and extent of the corruption problem and where the key priority focus should be in terms of addressing corruption. There is some measurements and indication of the problem of corruption (although not complete and not in-depth) based on the available evidence, as provided below.

2.2.1. PERCEPTIONS, ATTITUDES AND OPINIONS ON CORRUPTION IN SAMOA

2.2.1.1. TRANSPARENCY INTERNATIONAL CORRUPTION PERCEPTIONS MEASUREMENT

Perception of corruption is one of the common ways of measuring corruption levels in a country or across countries. Transparency International has adopted the ‘Corruption Perceptions Index (CPI)’ to measure 'how corrupt each country’s public sector is perceived to be’ – based on a scale of 0-100 (0 as
The CPI is the most widely used global indicator on corruption with around 180 countries included in the index each year. Due to limited data, Samoa is not included, and only a few Pacific island countries (Vanuatu, Fiji, Solomon Islands and PNG) are included, in the CPI ranking. Due to the lack of corruption-related data in the region, Transparency International conducted a Global Corruption Barometer Pacific survey in 2021 covering 10 Pacific counties (including Samoa) to gather public opinion data on perceptions, attitudes and experiences of corruption in the region. A total of 6,000 people were surveyed, 500 of which were from Samoa. The results for Samoa are summarised in Figure 1 below.

The findings further show that relying on personal connections is commonplace as a way to access key public services such as police, health, utilities and schools. A total of 17% think that companies/businesses frequently use money or connections to secure government contracts while 11% responded there were offered bribes in exchange for votes.

Moreover, a total of 63% think that the government is doing a good job of fighting/controlling corruption while 27% think that the government is doing a bad job of fighting/controlling corruption. A high percentage (72%) think that ordinary people can make a difference in the fight against corruption – that is, people are regarded as part of the solution to the problem of corruption. Only 24% feel the government frequently takes their views into account while 35% think that the government never or rarely does, and 34% viewed their government as occasionally does take their views into consideration. Corruption is perceived as high in the police, Members of Parliament, and public servants. Only 23% think that officials engage in corruption frequently face consequences.
Samoa featured well (i.e. better off) in corruption indicators when compared to other Pacific island countries - in accordance with most areas covered in the survey - such as perceptions of government corruption and private sector corruption (see Figure 2 below). For instance, the bribery rate (17%) in Samoa is lower compared to all other countries except Fiji (where the bribery rate is only 5%). A total of 33% people surveyed in Samoa think that public officials never or rarely face consequences for engaging in corruption, this is compared to 31% in Fiji, 29% in New Caledonia, and 25% in Vanuatu.
Nevertheless, while opinions, attitudes and perceptions of corruption is relatively low in Samoa when compared to other Pacific island countries, there is still a high rate of perceived corruption in Samoa. A total of 32% think that government corruption in Samoa is on the rise. Similarly, 24% view that corruption in business is also increasing.

Figure 7: Global Corruption Barometer Pacific 2021 survey, Samoa and other Pacific island countries

Source: Transparency International (2021)
2.2.1.2. **WORLDWIDE GOVERNANCE INDICATORS**

The Worldwide Governance Indicators (WGI) (captured through the World Bank databank) reports governance indicators for over 200 countries, covering six dimensions of governance – voice and accountability; political stability and absence of violence/terrorism; governance effectiveness; regulatory quality; rule of law; and control of corruption. They are based on the views of a large number of enterprise, citizen and expert survey respondents collected from over 30 data sources produced by a variety of survey institutes, think tanks, non-governmental organisations, international organisations, and private sector firms. Figure 3 gives an analysis of governance indicators for Samoa based on the WGI estimates and rankings.

Samoa’s governance is considered weak across all the six dimensions, given an overall governance rate of 0.6 (out of 2.5) as assessed in 2021 (latest assessment year). Samoa has the highest rating/ranking for ‘political stability and absence of violence/terrorism’ but has the lowest rating/ranking in ‘regulatory quality’ and ‘governance effectiveness’. For ‘control of corruption’, the estimate for Samoa is 0.6 (out of 2.5) but is ranked 72.1 (out of 100) and the trends is generally increasing over the years - meaning Samoa is improving in its control of corruption. Appeared to correlate with control of corruption is ‘voice and accountability’ which is rated 0.7 (out of 2.5).

**Figure 8: Worldwide Governance Indicators for Samoa**

Source: World Bank (2022)

There are implications of these global governance indicators’ assessments such as on the allocation of resources and development assistance from development partners especially for small and highly vulnerable developing economies such as Samoa. As such, governance and corruption assessments such as the WGI (as presented above) should be considered in Samoa’s anti-corruption and governance development measures.
2.2.1.3. PACIFIC ATTITUDE SURVEYS – SAMOA

A 2022 Pacific Attitudes Survey conducted by scholars at the Australia National University, Australia Swinburne University of Technology, and National University of Samoa sought popular political attitudes to democracy and government and to key contemporary development issues in Samoa.\textsuperscript{x1} Included under the topic of ‘attitude to government’ were survey questions seeking perceptions and understandings of corruption. The survey findings in areas relating to the subject of corruption are reiterated in Figure 4. The findings show that people tend to have more trust in traditional institutions (e.g., village fono and churches) than in elected and non-elected institutions (e.g., parliament and civil service). The least trusted institutions are political parties, lands and titles court, and media. A total of 66\% of respondents were satisfied while 29\% were dissatisfied with the current national government. According to the majority of respondents, ‘governance’ is ranked as the third (to economics and health) ‘most important problem facing Samoa that government should address.’

At the national government, 57\% of respondents considered ‘almost everyone is corrupt’, or ‘most officials are corrupt’ - while 40\% viewed ‘not a lot of officials are corrupt’ or ‘hardly anyone is involved’ in corruption. Perceptions of the widespread of corruption is slightly lower in village councils (51\%) than in the national government (57\%). In terms of understanding corruption, 19\% of respondents considered ‘spending government money on their own election campaign by giving gifts to the village’ to be an acceptable practice. Similarly, 16\% of respondents considered ‘giving jobs to their family/clan even if there are better candidates’ as acceptable. This means that with the 84\% of respondents considering it unacceptable ‘to give jobs to their family/clan even if there are better candidates’, ‘the idea of a meritocracy within Samoa is quite prevalent’. A large proportion of respondents (33\%) considered it acceptable for ‘political leaders to help their own village even if this means another village will miss out’.

\textsuperscript{x1} Data was collected in December 2020 and January 2021.
The 2022 Pacific Attitudes Survey highlighted that corruption do exist in Samoa, more prevalent in government than in other institutional settings. It also shows a misunderstanding of corruption especially in terms of people’s perception of political leaders spending of public money.

2.2.1.4. SAMOA MULTIPLE INDICATOR CLUSTER SURVEY

In late 2022 to early 2023, the Samoa Bureau of Statistics (SBS) conducted a Multiple Indicator Cluster Survey (MICS)\(^ \text{xii} \) to seek households’ responses on key development issues such as education; health; and awareness, experience and satisfaction with government services. Incorporated in the MICS were questions seeking perceptions about corruption in government. The findings are reiterated in Figure 5 below. A total of 74% of respondents considered corruption in government as a ‘very serious or serious problem’. Also 47% (majority) of respondents viewed corruption in government as ‘much worse or

\(^ \text{xii} \) This is the second MICS. The first MICS was conducted in 2019/2020 on demographics and health.
worse’ now compared to 10 years ago, and 20% considered corruption as remaining the same. The majority of respondents (55%) stated that government is ‘partially successful’ while only 9% stated that government is ‘very successful’ in containing corruption. A total of 29% considered government as ‘not successful’ in containing corruption. Perceptions of corruption as a serious problem; that corruption has increased compared to 10 years ago, and that government is partially successful in containing corruption is higher amongst urban than rural respondents.

Figure 10: Multiple Indicator Cluster Survey, 2023

Source: Samoa Bureau of Statistics, 2023

Of the total number of people consulted on the subject during the stakeholder consultation held during July-September 2023, around 90% have rated corruption in Samoa at 7 or 8 (out of 10) (on average) based on their perceptions, experiences and observations. Stakeholders were able to talk about experiences of where they have seen, observed and experienced incidences of corrupt practices.

2.2.2. ADMINISTRATIVE DATA ON CORRUPTION

A comprehensive analysis of corruption in Samoa, and according to all and various forms of corruption cannot be provided due to unlimited availability of corruption related data/information. Only a few data/information provided by key anti-corruption (or integrity) government agencies were provided and analysed as follows - to see if they could assist with giving some narrative about the nature and pattern of corruption levels in Samoa.

2.2.2.1. POLICE REPORTED INCIDENTS FOR THEFT AS A SERVANT

Corruption on all its various forms (bribery, fraud, forgery, embezzlement, theft as a servant, misappropriation of property and money laundering (as referred to under the UNCAC) is considered treated as a criminal offence in Samoa. In the 2018 National Assessment on Samoa’s readiness to accede to the UNCAC reported that ‘after drug offending and sexual crimes, ‘theft as a servant is by far and large the most common type of offending in Samoa’ according to Judge Clarence Joseph Nelson. ‘Other types of corruption offences such as embezzlement, money laundering, misappropriation of

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*The survey and its findings have not been published. Raw data was only provided for the purpose of this report.*
property, fraud and forgery have also been recorded but in fewer numbers’ (p. 14). Figure 6 gives an analysis of ‘theft as a servant’ cases reported to the police from 2020 to 2023 (only for the first half of the year for 2023). On average there are around 44 cases of a theft as a servant reported to the police every year. Around 90% of the incidents/cases are from private sector or private businesses, while only 8% are from the public sector (government organisations). The ratio of government to private sector reported cases of theft as a servant is 1 to 12. This should not be interpreted that there is little corruption in the public sector when compared to the private sector. There are several cases reported in the media and according to several reports published by the Controller and Chief Auditor (see section e below) including the well-known historical 1994 Controller and Chief Auditor report highlighting corruption allegations made against Ministers and government departments which led to other related controversies including a minister’s assassination in 1999.

This above data/information could mean that cases of thefts of a servant in the public sector are not being dealt with, are ignored, are not being reported/referred to the police, or are mostly being dealt with internally. At the same time, it appeared to highlight a situation of private sector taking thefts by their employees more seriously and are taking legal actions to recover their losses, to hold employees accountable, or for other factors that may be in the best interests of their businesses. According to the 2018 National Assessment on Samoa’s readiness to accede to the UNCAC report, the limited number of reported cases of corruption from the public sector (compared to the private sector) may be due to the fact that most cases involving government officials are often confidential and not available to the public. It further gives evidence that there are gaps with ‘how corruption are dealt with particularly when it is regarding public servants and Members of Parliament’ (p. 14).

**Figure 11: Police reported incidents of ‘theft as a servant’, 2020-2023**

Source: Ministry of Police, Prisons and Correction Services, 2023

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**2.2.2.2. BREACHES OF THE PUBLIC SERVICE CODE OF CONDUCT**
Breaches of the public service code of conduct (under the Public Service Act 2004)\textsuperscript{v} are forms of corruption. Suspected breaches of the code can be investigated and dealt with by the Public Service Commission and responsible Government Ministries/Agencies. Figure 7 below presents investigated breaches of the public service code of conduct over the previous five (5) financial years of 2018/2019 and 2022/2023 based on data captured by the Office of the Public Service Commission. Similar data for public bodies (or state-owned enterprises) are not available.\textsuperscript{xv}

A total of eight (8) breaches of the code was reported and investigated in 2018/2019 compared to six (6) in 2022/2023. On average, there are around seven (7) investigated cases of breaches of the public service code of conduct every year. The majority (around 57\% of every year (on average)) of investigated breaches of the code are against Assistant Chief Executive Officers (ACEOs) (i.e., senior level executives or second level management officers) of Ministries. The majority of the breaches of the public service code of conduct concern misuse of authority to seek personal gain, failure to act with integrity and honesty, failure to act with due care, misuse of government assets, and failure to use official information for authorised purposes or use of government information for personal gain.

![Figure 12: Breaches of the public service code of conduct](source: Office of the Public Service Commission, 2023)

#### 2.2.2.3. COMPLAINTS MADE TO THE OFFICE OF THE OMBUDSMAN

Data about the number, types and nature of public complaints made to the Office of the Ombudsman can also provide evidence about corruption in Samoa across different sectors. The Ombudsman is a

\textsuperscript{v} The code of conduct requires every public servant to be honest and impartial, work carefully and diligently, treat every with respect and courtesy and without coercion or harassment; comply with all laws that apply to them; comply with all lawful and reasonable directions given to them by persons who have authority to give those directions; disclose, and take all reasonable steps to avoid, any real or apparent conflicts of interest in relation to their employment; use Government resources properly; use official information only for official purposes; act with integrity and not misuse their status or authority to seek or obtain a benefit for themselves or any other person or body; uphold the values of the public service set out in section 17; comply with any other conduct requirements set out in the regulations; and uphold the good reputation of the public service.

\textsuperscript{xv} There are 27 public bodies (15 public trading bodies; 2 public mutual bodies; and 10 public beneficial bodies – see [https://www.mpe.gov.ws/](https://www.mpe.gov.ws/)).
constitutional authority established ‘to carry out the functions relating to promotion of good governance in public administration’ (Constitution of Samoa, p. 56). It deals with matters of good governance through investigating and resolving complaints about the administrative actions, decisions or omissions of government agencies. This includes special investigations about complaints against a police officer, prison officer or officer of other prescribed disciplined force.

Figure 8 shows the number and nature of complaints received by the Office of the Ombudsman over the last five (5) years of 2018 to 2022. On average, around 125 complaints are received every year concerning maladministration actions/decisions of government agencies. The majority of complaints are about employment related matters (e.g., unfair termination of employment, recruitment and selection, deprived/unpaid benefits/entitlements, and internal investigation procedures), poor and delayed services, prison related matters, and officer misconduct (e.g., abuse of power, bribery, harassment, conflict of interest, discrimination, omission to act, and criminal behaviour).

![Figure 13: Reported breaches of the public service code of conduct](image)

Source: Public Service Commission, 2023

2.2.2.4. ELECTION BRIBERY AND TREATING

As per data/information presented under section 2.2, perceptions about elected members in Samoa is high when compared to public servants, local village council members and other non-government actors. This is linked to public views and experiences with money politics and corruption practices during times of general elections of members of parliament. Data from the Office of the Electoral Commissioner on election petitions during the last three elections (2011, 2016 and 2021) are analysed in Figure 9 below. There were 11 petitions filed against corrupt and illegal activities (bribery and treating) during the 2021 general election\textsuperscript{xvi} compared to six (6) petitions filed in 2016 and five (5) in 2011?\textsuperscript{xvii} All the six (6) cases in 2016 did not proceed further as they were settled out of the court. On average, there are around 7 cases of election corruption made at each general election, which equates

\textsuperscript{xvi} The number of cases in 2021 is high given this is the first time in Samoa’s history where there was a shift in government power from HRPP (in rule for 40 years) to the FAST party

\textsuperscript{xvii} These do not count counter cases.
to 14% of MPs\textsuperscript{viii} in Samoa. This can mean around 14% of Samoa MPs are considered involved in some forms of election corruptions based on the number of petitions filed against corrupt practices during elections.

\textbf{Figure 14: Petitions on corrupt and illegal practices during 2011, 2016 and 2021 general elections}

Source: Office of the Electoral Commissioner, 2023

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure14.png}
\caption{Petitions on corrupt and illegal practices during 2011, 2016 and 2021 general elections}
\end{figure}

2.2.2.5. \textit{AUDIT REPORTS}

Audit reports can provide some indications of areas where there might be incidences and patterns of corruption-related practices/problems. A perusal of the available reports of the Controller and Auditor General to the Legislative Assembly for the last five years of 2014/2015 to 2018/2019 (reporting on the auditing work of the Audit Office) highlighted a number of gaps with the performance and compliance levels of government agencies (public service and public bodies) – some of the gaps may have involved some practices of corruption. The common gaps highlighted in the above reports are summarised as follows:

- Unpresented cheques
- Unpayable dividends from public trading bodies
- Long outstanding debts could not be accounted, traced or located
- Aged debts (of more than 180 days) not paid
- Duplicated invoices
- Forward dated invoices
- Non-compliance with policies and procedures (financial, HR, etc.,)
- Inaccuracy of asset registration
- Inadequate documentation

\textsuperscript{viii} The total number of MPs in Samoa is 51.
• Inadequate authorisation
• Failure to make or incorrect tax deductions
• Non-compliance with contract terms and conditions
• Poor record keepings and missing documentation/information
• Staff accessing social websites unrelated to work
• Lack of M&E information to access ministry’s performance
• Vehicle, phone, internet, etc usage in excess of allocated budget
• Some employees did not sign the attendance book
• Some employees were on leave without leave approval
• Incorrect payment of staff benefits/entitlements (salaries, overtime, allowances, etc.)
• Late banking
• Inappropriate authorization of release of dutiable goods occurred at freight stations.
• Unpaid declarations of custom duties
• Unauthorized vehicle hirage and usage
• Non-compliance with procurement/tender policies and procedures – e.g., contract signed after the provisions of services and no tenders board approval for certain payments.

2.2.2.6. MONEY LAUNDERING

Money laundering is linked to corruption, and this is identified under the UNCAC. Samoa as a state part to the UNCAC is required to undertake relevant measures to prevent, detect and monitor money laundering at the national and local level, including cooperating with relevant regional global, regional, subregional and bilateral cooperation to combat money laundering. Money laundering is the:

Processing of criminal proceeds to disguise their illegal origin. This process is of critical importance, as it enables the criminal to enjoy these profits without jeopardising their source... It typically involves stages to finally release laundered funds into the legal financial system - placement (moving the funds from direct association with the crime); layering (disguising the trail to foil pursuit); and integration (making the money available to the criminal from what seem to be legitimate sources).

(United Nations Office on Drugs and Crime)

Existing data on money laundering in Samoa is limited, hence it is difficult to provide a complete assessment about the extent of the problem in Samoa. The Central Bank of Samoa (CBS) Financial Intelligence Unit (FIU) (that monitor money-laundering) when requested was able to provide some data to prove that money laundering exists, and that it needs to be dealt with. A total of five (5) cases of suspicious transactions of corruption involving money laundering via local financial institutions were reported during 2018-2022. These cases were reported to the FIU by local financial institutions and were referred to law enforcement agencies for further investigations. These cases involved all senior government officials and their immediate families including a former Politically Exposed Person (PEP) and his/her Immediate families involving in suspicious allegations of corruption. There has been no known case of money-laundering that has been prosecuted in Samoa.
2.3. **KEY GAPS**

Key gaps highlighted from the analysis presented above are as follows:

- The analysis presented above confirm/validate that corruption exist in Samoa. However, there is a need for more in-depth and comprehensive quantitative and qualitative studies and robust assessments to determine and confirm how much corruption there is in Samoa.

- More exploratory research or studies are needed to determine the definition of corruption in the context of Samoa.

- Corruption is a complex phenomenon and as such it needs to be conceptualised and understood from multiple perspectives, not just from a crime problem perspective. This will be based on exploratory studies (as mentioned above) to seek multiple and different perspectives and interpretative views of local people about corruption.

- The inclusion of Samoa in the Corruption Perceptions Index (CPI) (as administered by the Transparency International) can provide a national, regional or global benchmark for Samoa.

- The national measurement of corruption in Samoa should be set as a standard with a national indicator to be assessed every five years and which requires having a survey (e.g., MICS or standalone for this subject area) to provide data for measurement and verification.

- There is a great need to strengthen the collection, storage, management, sharing and analysis of actual data on corruption that are collected and administered by key anti-corruption/integrity agencies. The production and use of these data to inform anti-corruption policy, planning and strategy development and implementation as well as monitoring and evaluation of corruption and anti-corruption measures should be encouraged, promoted and enforced.

- The lack of data and evidence-based knowledge of corruption is an area that the Samoa Integrity Organisations Network (SION) should be mandated with to address, including regular reporting to them on corruption cases, trend analysis, etc. A standard template on what types of data that is needed for different purposes may be needed to guide different agencies in their data collection, administration, aggregation, sharing and analysis.

- There is a need for more assessment of why there are more reported cases of ‘thefts of a servant’ from the private sector domain compared to the public sector, to provide gaps with how corruption are dealt with particularly when it is regarding public servants and Members of Parliament.

- There is a need to strengthen capacity of anti-corruption agencies in preventing and addressing corruption including addressing data needs and gaps, as well for their usage of data analysis to inform their national, sector and organisational anti-corruption reform movement.
3. ANTI-CORRUPTION MEASURES IN SAMOA

3.1. STRATEGIC POLICY FRAMEWORK

The UNCAC requirements need to be domesticated in Samoa’s policy and legal systems to give effect. Article 5 of the UNCAC requires state parties to develop, implement or maintain effective and coordinated anti-corruption policies. Samoa does not yet have a national policy directing and guiding public policy measures and responses to prevent and address corruption. As such, and in line with the Terms of the Reference and workplan of the Samoa United Nations Convention against Corruption Committee (SUNCACC), a National Anti-corruption Policy/Strategy will be developed, which will be informed by the analysis, findings and recommendations provided in this Situational Analysis report.

3.2. LEGAL FRAMEWORK

Samoa is a constitutional system incorporating common law and customary laws. Samoa legal framework on anti-corruption comprises provisions from several laws as outlined below, which means that Samoa complies with many of the legal requirements of the UNCAC:

- Constitution of the Independent States of Samoa 1960
- Co-operative Societies Ordinance 1952
- Electoral Act 1963
- Commission of Inquiry Act 1964
- Extradition Act 1974
- Central Bank of Samoa Act 1984
- International Companies Act 1988
- Defamation Act 1992/1993
- Financial Institutions Act 1996
- Companies Act 2001
- Public Finance Management Act 2001
- Public Bodies (Performance and Accountability) Act 2001
- Prevention and Suppression of Terrorism Act 2002
- Public Service Act 2004
- International Banking Act 2005
- Election Candidate Regulations 2006
- Police Powers Act 2007
- Anti-Money Laundering Act 2007
- Insurance Act 2007
- International Criminal Court Act 2007
- Criminal Matters Act 2007
- Mutual Assistance in Criminal Matters Act 2007
- Money Laundering Prevention Act 2007
- Proceeds of Crime Act 2007
- Samoa Law Reform Commission Act 2008
- Money Laundering Prevention Regulations 2009
- International Transfer of Prisoner Act 2009
A thorough assessment of Samoa’s compliance with the Convention are provided in the 2018 national assessment on Samoa’s readiness to accede to the UNCAC (PSC, 2008a); 2018 scoping study on the establishment of an integrity commission in Samoa (PSC, 2008b); and 2019 country review report of Samoa’s implementation of the Convention chapter III (Articles 15 – 42). A summarised reiteration of the key gaps identified in these scoping and assessment reports is provided in Annex B of this report.

### 3.3. INSTITUTIONAL FRAMEWORKS

Article 6 of the UNCAC requires state parties to have an independent preventative anti-corruption body (or bodies) to implement anti-corruption policies and to increase and disseminate knowledge/information relating to the prevention of corruption. Article 36 further requires the existence of a body, bodies or persons specialised in combating corruption through law enforcement. Such body, bodies or persons shall be granted the necessary independence to be able to carry out their functions effectively and without any undue influence. This includes having the capacity of such a body, bodies or persons to detect, investigate and prosecute cases where corruption has occurred. A state party can choose to structure its anti-corruption body or bodies as it sees appropriate. Also, a state party would have to have the judicial capacity to adjudicate over corruption cases before a court.

In Samoa, there is no one body that is responsible to perform the above roles as specified under Articles 6 and 36 of the UNCAC. There are however various key anti-corruption or integrity agencies (such as the Office of the Public Service Commission (PSC), National Audit Office (NAO), Office of the Ombudsman (OMB), Office of the Attorney General (OAG), Ministry of Police and Prisons (MPP), Transactional Crime Unit (TCU), and Samoa Financial Intelligence Unit (FIU) in the Central Bank of Samoa (CBS), Ministry of Justice and Courts Administration (MJCA), and Ministry of Finance (MOF) performing functions to prevent and address corruption.

An important question was asked, and it still remains relevant, as to whether Samoa needs to establish a new anti-corruption agency. In 2018, a scoping study was conducted to assess and provide advice on whether or not Samoa might wish to consider establishing a new anti-corruption agency or use existing agencies to comply with Articles 6 and 36 of the Convention. The scoping study’s recommendations are reiterated as follows:
• Use existing anti-corruption agencies rather than establishing a new anti-corruption agency.\textsuperscript{xix}

• Develop and implement a national anti-corruption policy that promotes the participation of society and reflects the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.\textsuperscript{xx}

• Formally establish the Samoa Integrity Organisations Network (SION),\textsuperscript{xxi} with a secretariat, to provide a mechanism to co-ordinate the implementation of anti-corruption policies and activities, especially those related to prevention.\textsuperscript{xxii}

• Establish an investigative coordinating mechanism – involving SION agencies who need to share information and expertise and to do so within a clear confidentiality regime.\textsuperscript{xxiii}

• Acquisition of short-term expertise - the investigative sub-committee should draw up a list of public sector staff with the expertise needed to promptly investigate corruption and identify training needs that arise from this process. This need to include private sector experts as well.

• Avoid bottlenecks – agencies to formulate plans for staff training and contracting specialist expertise (e.g., forensic accountants and information technology specialists) to avoid increasing numbers of delayed cases, which are key concerns raised by the Ministry of Police, Ministry of Justice, and Attorney General’s Office.

• Whistle-blowing - the Ombudsman, SION members, and the general public should be provided with opportunities to discuss the need for and benefits of legislation providing greater whistle-blower protection.

• Leadership Code - Samoa may wish to consider establishing a Leadership Code overseen by the Office of the Ombudsman to provide the institutional independence to address corruption.

\textsuperscript{xix} Reasons for not supporting a new agency included Samoa already has all the agencies needed to prevent corruption occurring and address corruption after it has occurred; Samoa did not have sufficient professional expertise to fully staff such a new agency in addition to its existing agencies; and Samoa could not afford an additional State agency (a view put very strongly by the Ministry of Finance).

\textsuperscript{xx} This would then be used to help guide the establishment of anti-corruption bodies.

\textsuperscript{xxi} Consisting of the NAO; OMD; CBS; PSC; Office of the Electoral Commission (OEC); Office of the Clerk of the Legislative Assembly (OCLA); MOF; Ministry of Public Enterprises (MPE); Ministry for Customs and Revenue (MCR); OAG; and MJCA. Other agencies can be added.

\textsuperscript{xxii} As no new anti-corruption body is to be established, SION’s support unit could be within the Public Service Commission, or Office of the Ombudsman and to include non-state-actors (NGO’ and civil society organisations) - as recommended by UNCAC Articles 5 and 13.

\textsuperscript{xxiii} Two options were recommended to facilitate co-ordination among agencies responsible for the detection and investigation of corruption: (a) the formation of an investigative sub-committee of SION – the sub-committee would have no powers to initiate/conduct investigations but would provide a forum for a small group of investigative agencies to use their existing prerogatives and staff to investigate corruption and obtain admissible evidence for cases warranting prosecution; or (b) the Office of the Ombudsman becoming the anti-corruption focal point, referring cases to relevant agencies.
• **Financial independence** - the Offices of the Ombudsman and Auditor General, as Independent Officers of Parliament, should be enabled to open their own bank accounts into which their budgets should be deposited so they can take charge of their own finances.

The 2018 scoping study acknowledges that ‘Samoa has multiple office holders with crucial anti-corruption responsibilities and considerable independence - the Ombudsman, Auditor General, Central Bank Governor and Chairman of the PSC’, under the relevant laws of Samoa. However, it also made an assessment with the regards to the issue of the lack of independence of key integrity agencies.

Police Commissioner and Attorney General do not have the necessary independent as prescribed by UNCAC Article 36. The Police Commissioner has exclusive responsibility for investigating potential breaches of the Crimes Act but is responsible to the Minister of Police. The Attorney General has, with one narrow exception (the Central Bank Governor has some rights to prosecute), exclusive power over all prosecutions but is obliged to take direction from the Prime Minister. While the prevention and detection of corruption can occur freely, the officials in charge of investigation of corruption, and subsequent prosecution of these cases in court, are subject to direct political control. Having in place a Leadership Code (proposed to be administered and enforced by the Ombudsman) could address this lack of necessary independence of the Attorney General and Police Commissioner.

The above recommendations of the 2018 scoping study raise many questions. First, what is the guarantee that the sharing of information and expertise will take place among various SION agencies, given the silo working mentality of government agencies. There is a need for a legal mandate to give effect to this coordination and sharing. There is also a need for shared leadership of the SION in order for the SION to be effective. Coordination can be built once the anti-corruption mandate is made clear, but this is currently not the case.

Second, is what is the assurance that an initiative of the recommended sub-committee of the SION would be established and will be fully functional with using their existing prerogatives and staff to better investigate corruption and obtain admissible evidence for cases warranting prosecution. This is not yet being actioned (according to PSC) if the decision is to go with this option. If the alternative is to use the Office of the Ombudsman as the national anti-corruption focal point with the introduction of a leadership code, how can we guarantee that the investigations and prosecutions of corruption (especially high level and systemic corruption cases) do take place given the limitations with the Ombudsman’s powers and current mandate as identified. An extension of the Ombudsman’s powers would be needed to give effect to this arrangement.

The Ombudsman Act provides no power for the Ombudsman to separately force corruption issues to be resolved, it only permits the Ombudsman to make recommendations and report to Parliament as she/he sees fit. Evidence produced during an Ombudsman cannot be used in a prosecution but can be used by the Police to what evidence existed, or to guide further investigations. The right to investigate for prosecution cases falls back with the Police Commissioner and the consent to prosecute lies with the Attorney General (both lack independence from political influence/control). To address these

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*Separating the Public Prosecution role from the Attorney General role is another important issue to consider but is not being raised in the 2018 scoping study.*
concerns, a review of existing mandates and powers of these existing key anti-corruption/integrity agencies may be needed to see who is going to ensure that there is some accountability in having cases of (especially high-level) corruption being investigated and prosecuted.

Third, there has been no known case of an investigation or prosecution (brought forward by the anti-corruption agencies) against an alleged corruption by a politician (i.e., political corruption) over the years in Samoa. This begs the question of whether the recommendation provided above (with the using of existing anti-corruption agencies rather than establishing a new anti-corruption agency) will be suffice or will it still work in addressing this issue - to bring forward serious cases of corruption especially against politicians and senior officials - to improve upon this current situation - or is it just reinforcing the historical and current status quo. In light of this gap, the question needs to be asked and examined of whether the cost of establishing and running an anti-corruption agency (as one reason against such an establishment) outweighs the cost of corruption to Samoa (material and non-material) in the long term if corruption is not prevented, curbed and addressed, but can continue to increase and become more complex.

At the July – September 2023 consultation process (which was held to seek stakeholder views on the development of the national anti-corruption policy/strategy), stakeholders’ views were solicited on options for the establishment of an anti-corruption body for Samoa as per requirement under the UNCAC. The discussions centred around the need and reasons for having a standalone body that is independent and capable of performing the functions required of an anti-corruption agency. The majority of stakeholders supported the idea of having an independent anti-corruption body for Samoa. A few did not support the establishment of a new and separate body – and their reasoning is based mainly on the additional cost to government and Samoa of establishing a new entity and to ensure that it is functional and has the capacity to be able to perform its roles effectively. While the majority agreed with the establishment of a new separate anti-corruption body, they raised the following key concerns which need to be addressed if such body will be established:

- How to ensure the independence of the agency if it is going to be funded from the government budget. Several agencies (Police, Audit and Office of the Parliament for instance) are not independent of political influences.
- How can the agency functions well in Samoa where conflict of interest is high given its context and the close-knit of society and people.
- How to ensure the agency has the right people to ensure that it is able to function well and to perform its roles effectively. The agency needs to have people with specialised skills and experiences in detecting and investigating corruption.

Stakeholders made the following suggestions for consideration in the establishment, operation and running of an anti-corruption agency:

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xxv There are several cases of alleged corruption involving politicians that are being reported in the media, but it is not known whether these cases are being considered in terms of proper investigations and prosecutions.

xxvi There are concerns with increasing cases of organise crimes (thefts, drugs, money-laundering, etc.) in Samoa based on anecdotal evidence. There is limited or no hard-core evidence to be presented in this report.
• For the agency to report directly to Parliament – so that it has some independence from political influence and has accountability.
• For the agency to be established as a constitutional authority (same status as the Ombudsman, Auditor General, Attorney General and others) – so that it is not subject to the executive government control, influence and removal.
• Sufficient resourcing and capacity development of the agency – with consideration of overseas expertise to start the agency and with some regional inter-governmental oversight and support.
• Establishment of a taskforce (small committee) to assist the anti-corruption agency with coordination, information sharing and other tasks with the prevention, detection and investigation of corruption.

3.4. OPERATING POLICIES AND PROCEDURES

At the meso and micro level of the policy process, there is a need for detailed policies and procedures guiding and directing the operationalisation of anti-corruption measures. Examples of these operational policies and procedures are listed below, the list is indicative and not exhaustive. A lot of the operational policies and procedures are needed to be in place to implement high level strategic policies and legislative requirements at the ground level. They also guide the consistent, effective and efficient performance by staff of policy and legislative requirements, including enforcement and compliance.

• Conflict of Interest Guideline 2016 - Public Service Commission
• Guidelines for Government Procurement and Contracting: Goods, Works and General Services - Ministry of Finance
• Independent Panel Member Guideline - Public Service Commission
• Managing Information Guideline (in terms of recruitment and selection) - Public Service Commission
• A Guide for Developing Service Charters 2003
• Treasury Instructions - Part K: Procurement and Contracting
• Recruitment and Selection Manual for the Public Service - Public Service Commission
• Standard operating procedures of ministries and government agencies.

There is a need to conduct a mapping of the required/needed operational policies and procedures as well as a stocktake of the existing operational policies and procedures and gaps to address.

3.5. EFFECTIVENESS OF EXISTING MEASURES

The assessments undertaken to identify Samoa’s compliance with the UNCAN requirements (as mentioned above) highlighted key gaps in Samoa’s policy, legislative and institutional frameworks on anti-corruption. However, there have been no assessment of the effectiveness of existing anti-corruption measures in terms of their implementation and application. This is an area that need to be addressed going forward. Monitoring and evaluation is needed to ensure that anti-corruption measures are continuously assessed, reviewed, revised and adjusted based on learnings. Improvements and
further reforms are to be made based on actual experiences and applications of these measures in practice.

The stakeholder discussions during the consultation process in July – September 2023 highlighted that comparatively to the region, Samoa has in place a well-established system for anti-corruption in terms of its legislative and institutional framework. There are however gaps that need to be addressed and which required the adoption of additional measures as well as the strengthening of existing anti-corruption measures. The following key anti-corruption measures were highlighted by the majority of stakeholders consulted to be considered for strengthening and to be adopted and implemented as core elements of Samoa’s anti-corruption development reforms:

- Adopt and implement a whistleblowing policy, legislation, procedures and guidelines.
- All agencies to have complaint management and handling mechanisms.
- Adoption and implementation of a leadership code.
- Revive the National Prosecution Office.
- Strengthen the independence of core anti-corruption agencies – such as the police, audit, attorney general, ombudsman, parliament, electoral commission, public service commission and others.
- Strengthen the capacity of core anti-corruption agencies.
- Develop and implement policies and legislation already in place.
- Improve the implementation mechanics of policies and legislation.
- Strengthen compliance, enforcement, monitoring and evaluation across all sectors and functional areas of the public sector.
- Build civic education and understanding of corruption.
- Strengthen the roles of the media and civil society as key watchdogs of public accountability.
- Develop and strengthen the ethics and professional standards of the public sector and professional groupings.
- Address the politicisation (or need for independence) of the public service.
- Address the issue of what is culture and what is corruption in official businesses and duties.
- Strengthen transparency and accountability.
- Need for a privacy protection law.
- Need for information access law.

3.6. SUMMARY AND KEY GAPS

- There is a need for Samoa to develop a national anti-corruption policy/strategy to direct and guide its anti-corruption development/reform movement, as well as to ensure effective and efficient implementation, monitoring and evaluation of the national anti-corruption policy/strategy.

- The consultation process for the National Anti-Corruption Strategy/Policy provides an opportunity for stakeholders to provide their views on corruption and anti-corruption in Samoa. This is vital given that this is the first time Samoa has considered the development of
the national policy aimed at preventing, combating and addressing corruption. It was an opportunity for knowledge sharing and cross-leanings for stakeholders across different sectors.

• The Samoa United Nations Convention against Corruption Committee (SUNCACC) needs to promote the National Anti-Corruption Strategy/Policy as a national policy initiative – and hence requires a whole-of-sector facilitating role in terms of engaging with stakeholders and in soliciting the required leadership and support for the policy and its implementation, monitoring and evaluation.

• Improving collaboration and coordination through the SUNCACC is crucial for the effective implementation of the Policy once its development is completed. Corruption does not happen in a vacuum. It is occurring across all sectors, affecting everyone, undermining good governance, eroding the values and social fabrics of a society, and hampering social-political and economic development progress. Preventing and addressing corruption requires the coordinated inputs, efforts and support of everyone.

• There are gaps with Samoa anti-corruption legal framework (see Annex B) that needs to be addressed.

• There is strong stakeholder support for the establishment of an anti-corruption agency but there are concerns with ensuring the agency’s independence, capacity and resources to perform effectively.

• Strengthen the policy and legislative framework – including the implementation of recommendations made in the Country Review of Samoa’s compliance with the UNCAC.

• Given the gaps highlighted with existing anti-corruption institutions, there is a need to revisit the reasons/rationale for the establishment of a new anti-corruption body that is independent and with the required capability to detect, investigate and prosecute cases where corruption has occurred. This includes re-assessing whether the current mechanisms (SUNCACC and SION) are sufficient to deal with the complex tasks of ensuring the necessary actions are taken for preventing, combating, investigating, prosecuting, etc. of corruption.

• There is a need to assess the extent to which the recommendations of the scoping and assessment reports (on Samoa’s accession to, and implementation of, the Convention) have been progressed, achieved or not achieved, and the reasons for progress made. This includes addressing concerns/issues with regards to the gaps (e.g., lack of independence) of Samoa existing anti-corruption institutional framework.

• There is a need for a complete mapping, stocktake and assessment of operational policies and procedures are needed to be in place to implement, enforce, direct, guide and institutionalise high level strategic policies and legislative requirements on anti-corruption measures.

There is a need to regularly monitor and evaluate the effectiveness of Samoa anti-corruption measures to inform needed improvements and adjustments in policy, legal, institutional and operational measures.
REFERENCES


Crimes Act 201.


## ANNEX A: THE CONVENTION IN A NUTSHELL

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Provisions</th>
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| I: General provisions       | • Purposes of the Convention – to promote and strengthen measures to prevent and combat corruption more efficiently and effectively; to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery; and to promote integrity, accountability and proper management of public affairs and public property.  
  • Use of terms - definitions of public official, foreign public official, official of a public international organization, property, proceeds of crimes, freezing or seizure, confiscation, predicative offence, and controlled delivery.  
  • Scope of application – prevention, investigation, prosecution and freezing, seizure, confiscation and return of the proceeds of offences of corruption.  
  • Protection of sovereignty - countries to carry out obligations consistent with the principles of sovereign equality and territorial integrity of states and of non-intervention in the domestic affairs of other states.  

| II: Preventive measures (Articles 5 to 14) | • The preventive policies covered by the Convention include, among others:  
  − Transparent and competitive public procurement systems.  
  − Transparency and accountability in the management of public finances.  
  − A merit-based civil service with comprehensive frameworks to prevent and address conflicts of interest.  
  − Enhanced transparency in the public administration including by ensuring that the public has effective access to information.  
  − Prevent corruption in the private sector.  
  − Independence of the judiciary and prosecutors.  
  − Active involvement of society – including civil society, non-governmental organisations and community-based organisations in efforts.  
  − Measures to prevent money-laundering.  
  • Specifically, Chapter II calls on countries to:  
  − Develop, implement and maintain anti-corruption policies that promote the participation of society and reflect principles of rule of law, integrity, transparency and accountability and endeavour to periodically evaluate relevant legal instruments and measures – Article 5 (mandatory).  
  − Have an independent and adequately resourced anti-corruption body on corruption-prevention – Article 6 (mandatory).  
  − Enhance transparency, efficiency and the use of objective criteria in the recruitment, hiring, retention, promotion and retirement of public officials – Article 7.1 (mandatory).  
  − Enhance transparency in the funding of electoral campaigns and political parties – Articles 7.3 (must consider).  
  − Apply codes of conduct (and of ethics) to the performance of public functions – Article 8.2 (must endeavour).  
  − Establish measures and systems to facilitate the reporting of corruption by public officials to appropriate authorities – Article 8.4 (must consider).  
  − Establish asset declaration systems for public officials regarding their private interests – Article 8.5 (must endeavour).  
  − Take disciplinary or other measures against public officials who violate code of ethics and other applicable standards – Article 8.6 (must consider).  
  − Establish appropriate public procurement systems based on transparency, competition, and objective criteria and promote transparency and accountability in the management of public finances – Article 9 (mandatory).  
  − Enhance transparency in the public administration, including by adopting procedures to facilitate public access to information and to competent decision-making authorities – Article 10 (mandatory). |
Strengthen integrity among members of the judiciary and prosecution services – Article 11 (mandatory).

Take measures to prevent corruption involving the private sector, enhance accounting and auditing standards, provide sanctions for non-compliance – Article 12.1 (mandatory).

Promote integrity in the private sector and in contractual relations with the State, promote transparency of private sector entities, prevent misuse of procedures for licenses and subsidies, impose post-employment restrictions on public officials, ensure sufficient accounting and auditing standards – Article 12.2 (optional).

Take measures to promote the active participation of society in the prevention of and the fight against corruption – Article 13 (mandatory).

Establish regulatory and supervisory regimes to deter and detect money laundering – Article 14 (mandatory).

### III: Criminalisation and law enforcement (Articles 15 to 42)

- Chapter III contains a set of offences that countries are mandated to establish as crimes, followed by a number of offences that States Parties are required to consider criminalising. The Convention covers the following offences:
  - Bribery of national public officials – Article 15 (mandatory);
  - Bribery of foreign public officials and officials of international organisations – Article 16 (mandatory).
  - Embezzlement, misappropriation or other diversions of property by a public official – Article 17 (mandatory).
  - Trading in influence (i.e., using influence in government to obtain favours) – Article 18 (must consider).
  - Abuse of functions – Article 19 (must consider).
  - Illicit enrichment – Article 20 (must consider).
  - Bribery in the private sector – Article 21 (must consider).
  - Embezzlement of property in the private sector – Article 22 (must consider).
  - Money-laundering – Article 23 (mandatory).
  - Concealment (i.e., disguising the true nature, source or ownership of proceeds from corruption) – Article 24 (must be considered).
  - Obstruction of justice – Article 25 (mandatory).

- Furthermore, the Convention requires countries to take appropriate measures to:
  - effectively protect witnesses of corruption, experts and victims (Article 32) from retaliation and intimidation.
  - protect whistleblowers (referred to as ‘reporting persons’ in Article 33) who report on corruption to competent authorities should be considered.
  - address consequences of corruption, for example by annulling a contract, withdrawing a concession or taking other remedies (Article 34).
  - ensure that persons or entities who have suffered damage due to an act of corruption have the right to initiate legal proceedings to obtain compensation (Article 35).
  - maintain a specialised, independent and appropriately resourced law-enforcement body to combat corruption (Article 36).
  - encourage persons participating in the commission of an offence to supply information for investigative and evidentiary purposes and to provide help to contribute to depriving offenders of proceeds of crime and to recover such proceeds (Article 37).
  - encourage cooperation between public authorities, public officials and authorities responsible for investigating and prosecuting criminal offences (Article 38).
  - encourage cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences (Article 39).
  - overcome obstacles that may arise out of the application of bank secrecy laws in the case of domestic criminal investigations of offences (Article 40).
  - consider any previous conviction in another State of an alleged offender for using such information in criminal proceedings relating to an offence (Article 41).
  - establish their jurisdictions over an offence committed: - in their territory; on a board a vessel flying the flag of or an aircraft registered under their laws; against their...
countries; by a national of their countries or a stateless person who has his/her habitual residence in their territory, etc. (Article 42).

IV: International cooperation (Articles 43 to 50)

- Cooperation in investigations of and proceedings related to civil and administrating matters related to corruption offences is not mandatory but has to be considered by States that have joined the Convention.
- The Convention provides a basis and a framework for international cooperation and mutual legal assistance. States are obligated to cooperate and assist each other in:
  - dual criminality – the alleged crime for which mutual legal assistance is sought is criminalised in both the requesting and requested countries (Article 43).
  - cross-border criminal matters related to corruption offences, including on extradition of suspects (Article 44).
  - the transfer of sentenced persons (Article 45).
  - mutual legal assistance including information sharing, and identifying, freezing and confiscating proceeds of crime (Article 46).
  - the transfer of criminal proceedings (Article 47).
  - law enforcement cooperation, including joint investigations and special investigative techniques (Articles 48-50).

V: Asset recovery (Articles 52 to 59)

- The return of proceeds from corruption to its country of origin is a ‘fundamental principle’ (Article 51) of the Convention and States are required to ‘afford one another the widest measure of cooperation and assistance in this regard.’
- The UNCAC provides a framework for countries to adapt both their civil and criminal law in order to facilitate tracing, freezing, confiscating, and returning funds and other property obtained through corrupt activities. Depending on the case, the confiscated property may be returned to the country of origin, to previous legitimate owners, or to victims of the crime (Article 57).
- States are obliged to take measures to prevent and detect the transfer of proceeds of crime. Those measures can be divided into two categories:
  - measures to prevent money laundering and measures on financial disclosure - Article 52 (mandatory).
  - Governments have to ensure that the proceeds of corrupt acts committed in other States Parties can be confiscated and returned – Article 55 and 57 (both mandatory).
- Measures for direct recovery of property – countries to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence - Article 53.
- Mechanisms for recovery of property through international cooperation in confiscation – countries to provide mutual assistance and take measures to give effect to an order of confiscation issued by a court - Article 54.
- Countries to take measures to to permit providing information on proceeds of offences to another State Party to assist in investigations, prosecutions or judicial proceedings or - Article 56 (special cooperation).
- Countries to consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating reports of suspicious financial transactions and to help with cooperation in preventing, combating the transfer of proceeds of offences and in promoting ways and means of recovering such proceeds – Article 58.
- Countries to consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation – Article 59.

VI: Technical assistance and information exchange (Articles 60 to 62)

- Countries to afford each other technical assistance, especially to developing countries to help countries comply with the UNCAC provisions, including with conducting evaluations and studies on the forms, causes, and costs of corruption in specific contexts, with a view to developing better strategies and action plans for combating corruption (Article 60).
- Countries to encourages and addresses trainings, material and human resources, research, and information sharing. This include trainings for personnel responsible for preventing and combating corruption on topics such as investigative methods, planning and developing strategic anti-corruption policies, preparing requests for mutual legal
assistance, public financial management, and methods used to protect victims and witnesses in criminal cases (Article 60 and Article 61).

- Countries take measures ‘conducive to the optimal implementation’ of the Convention, through international cooperation and in coordination and through international and regional organisations, to enhance financial, material and technical assistance to support developing countries’ efforts to implement the Convention (Article 62).

### VII: Mechanisms for implementation (Articles 63 and 64)

- Established the Conference of the States Parties (CoSP) and the UNCAC secretariat. The CoSP is the main policy-making body of the Convention that seeks to improve the capacity of and cooperation between States Parties in achieving the objectives set forth in the Convention. It is assisted by the UNCAC secretariat.

### VIII: Final provisions (Articles 65 to 71)

- Calls upon States Parties to take all the necessary legislative and administrative measures, in accordance with fundamental principles of domestic law, to ensure the implementation of the obligations deriving from the Convention.
- Includes provisions on settlements of disputes, ratification process, entry into force, amendments to the text of the Convention, denunciation, and deposit and languages.
## ANNEX B: GAPS IN SAMOA ANTI-CORRUPTION MEASURES

<table>
<thead>
<tr>
<th>Gaps</th>
<th>Recommendations</th>
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<tbody>
<tr>
<td><strong>Policy framework</strong></td>
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<tr>
<td>• No existing national policy on anti-corruption.</td>
<td>• This will be developed as part of the Samoa United Nations Convention against Corruption Committee (SUNCACC) TOR and workplan.</td>
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<td><strong>Legal framework</strong></td>
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<tr>
<td>• In Samoa, the Attorney General is the principal legal advisor and also the Public Prosecutor. The consent of the Attorney General is required for the prosecution of bribery of a Minister of Member of Parliament. This requires the independence of the Attorney General. However, no case relating to the prosecution of a MP has taken place in Samoa over the years.</td>
<td>• It is further recommended that Samoa remove the requirement of consent by the Attorney General in sections 135, 136 of the Crimes Act.</td>
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<tr>
<td>• The definition of a bribe is not interpreted as including immaterial benefits.</td>
<td>• Consider harmonizing the sanctions for bribery of members of the police service with those for bribery of other public officials.</td>
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<tr>
<td>• No examples of bribery of a foreign public official.</td>
<td>• Amend its legislation to cover immaterial benefits.</td>
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<tr>
<td>• Passive foreign bribery is not criminalised.</td>
<td>• Monitor that the additional element of “corruptly” constitutes no obstacle to prosecution. If the judiciary does not interpret the law in this way in the future, legislative reform is required.</td>
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<tr>
<td>• Active foreign bribery is criminalized but there is an exception for offences committed for the sole or primary purpose of ensuring or expediting the performance by a foreign public official of a routine government action, when the value of the benefit is small (“facilitation payments”). There is also an exception if the offence was done outside Samoa and was not an offence under the laws of the foreign country in which the bribee was situated.</td>
<td>• Abolish the exception for so-called “facilitation payments” and for offences called “facilitation payments” and for offences committed abroad that are not criminalized in the country where the bribee was situated.</td>
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<tr>
<td>• Passive trading is not criminalised.</td>
<td>• Consider criminalizing the passive bribery of foreign public officials and officials of public international organizations.</td>
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<tr>
<td>• Bribery in the private sector is not criminalised.</td>
<td>• Monitor that embezzlement, misappropriation or other diversion are covered under section 1162 of the Crimes Act. If the judiciary does not interpret the law in this way in the future, legislative reform is required.</td>
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<tr>
<td>• No money-laundering cases have been brought for prosecution or are pending investigations. This raises many questions on gaps with regards to the detection and reporting of money-laundering, and investigation and prosecution of cases.</td>
<td>• Monitor the application of the legislation to ensure that active trading in influence is criminalized.</td>
</tr>
<tr>
<td>• Illicit enrichment is not criminalised.</td>
<td>• Consider criminalizing passive trading in influence.</td>
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<tr>
<td>• The Head of State enjoys absolute immunity while holding office, except for crimes under the Rome of Statue of International Criminal Court.</td>
<td>• Consider broadening its legislation to include any act or omission by a public official, in violation of laws, for the purpose of obtaining an undue advantage.</td>
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<tr>
<td>• The conditions under which may be granted bail are not codified.</td>
<td>• Consider criminalizing bribery in the private sector.</td>
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<tr>
<td>• Review penalty for money laundering when compared to a range of other serious offences.</td>
<td>• Consider criminalizing illicit enrichment.</td>
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<tr>
<td>• Assess the necessity of absolute criminal immunity of the Head of State during his or her term of office.</td>
<td>• Consider codifying the conditions to be taken into account when deciding on parole and include as a condition the gravity of the offence.</td>
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<td>For officials dealing with public funds or public property pending an investigation, no disqualification procedure exists for public officials in state-owned enterprises. The possibility of parallel criminal and disciplinary measures is not precluded by legislation.</td>
<td>Consider establishing procedures for the disqualification of public officials convicted of corruption offences from holding public office or holding holding office in an an enterprise owned by the State.</td>
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<tr>
<td>Samoa has not adopted legislation on the protection of reporting persons against unjustified treatment or retaliation.</td>
<td>Consider incorporating appropriate measures on the protection of reporting persons and provide for their effective enforcement.</td>
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<tr>
<td>No guidelines exist for seized objects to be kept and reasonably maintained by the head of the enforcement agency executing a restraining order as the responsible custodian. An offender is not required to demonstrate the lawful origin of alleged proceeds of the lawful origin of alleged proceeds of crime or other property liable to confiscation.</td>
<td>Assess whether extending the period between applying for a restraining order and filing criminal charges to more than five days and issuing a longer restraining order when not having given notice would be conducive to effective restraint. Adopt additional measures to improve the regulation of administration of frozen, seized and confiscated property. Consider adopting measures requiring that that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation.</td>
</tr>
<tr>
<td>Samoa has not established jurisdiction over offences committed against Samoa citizens or against Samoa as referred to in Article 42 of the Convention.</td>
<td>Consider establishing jurisdiction over Convention offences committed against Samoan citizens or against Samoa. Consider establishing jurisdiction over Convention offences, beyond the active nd the active bribery of foreign public officials, when the alleged offender is present in its territory and it does not extradite him or her.</td>
</tr>
<tr>
<td>No formal mechanism for inter-agency cooperation among law enforcement and agency cooperation among law enforcement and other authorities exists, but informal cooperation takes place.</td>
<td>Adopt measures to strengthen or formalize cooperation and coordination between the various bodies involved in the fight against corruption, which may include a regular round table or the implementation of the envisaged integrity office network. Adopt effective measures to encourage effective cooperation between law enforcement authorities and entities of the private sector.</td>
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<tr>
<td>There is no legal requirement for public officials to report corruption and other misconduct to the investigating and prosecuting authorities.</td>
<td>Samoa may wish to require public officials to report corruption and other misconduct to the authorities</td>
</tr>
<tr>
<td>Training and resources for domestic investigations and prosecutions are limited.</td>
<td>Assistance with quantifying corruption in Samoa (statistical and qualitative). Trainings on cybercrime, fraud, money-laundering and financial investigation.</td>
</tr>
<tr>
<td>Due to absence of data, it is difficult to assess in detail Samoa’s practice regarding international cooperation in corruption cases.</td>
<td>Adapt its information system to allow it to collect data and provide more detailed statistics on international cooperation.</td>
</tr>
<tr>
<td>Samoa has not concluded any bilateral extradition treaties. Samoa does not consider the Convention as a basis for extradition. The Extradition Act is silent on the procedures to follow if an arrest warrant was not issued pursuant to its section 8. The Extradition Act is silent on the matter of extradition requests covering several separate offences, some of which are not extraditable by reason of their period of</td>
<td>Samoa may wish to allow extradition for offences related to those established Samoa may wish to allow extradition for offences related to those established in accordance with the Convention. Take necessary measures to guarantee that Convention offences are included as extraditable offences in existing and future extradition treaties, including by ensuring that offences that still have to be criminalized are be criminalized are considered extraditable offences. Seek, where appropriate, to conclude treaties on extradition with other States.</td>
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some of which are not extraditable by reason of their period of
imprisonment.
• Samoa’s legal framework does not guarantee that Convention offences are included as extraditable offences in existing and future extradition treaties.
• Samoa has not taken sufficient measures to expedite extradition procedures and to simplify evidentiary requirements relating thereto.
• The legislation does not provide for the enforcement of foreign penal judgments de for the enforcement of foreign penal judgments (except for confiscation) of the Mutual Assistance in Criminal Matters, nor does it provide for the requirement to consult with the requesting State before refusing extradition.
• There are no provisions governing the transfer of criminal proceedings.

• Samoa has not established clear and efficient processes for the execution of requests for mutual legal assistance in a timely manner and without in a timely manner and without undue delays or undue delays or for communicating with foreign authorities.
• The Mutual Assistance Act Mutual Assistance Act does not address the costs of executing requests for mutual legal assistance.
• Samoa does not regulate undercover operations. Controlled delivery is only possible in relation to terrorist offences.
• Samoan legislation does not prevent the conclusion of appropriate bilateral or multilateral agreements or arrangements for the use of special investigative techniques.

Clarify the procedures to follow if a warrant has not been issued; and endeavour to expedite extradition procedures and simplify evidentiary requirements relating evidentiary requirements relating thereto.
• Provide for the requirement to consult with the requesting State before refusing extradition.
• Seek, where appropriate, to conclude agreements or arrangements on extradition.

• Explicitly provide for the disclosure of received information that is exculpatory to an accused person.
• Allow for the provision of mutual legal assistance that does not involve coercive action in the absence of dual criminality.
• Notify the Secretary-General of the United Nations of the designated central authority and acceptable language or languages for requests for mutual legal assistance.
• Ensure that requests for mutual legal assistance are executed in a timely manner taking into account any deadlines requested, including by giving thought to adopting a manual and procedures or guidelines on mutual legal assistance that would outline in greater detail the steps to be followed by authorities in executing and making such requests, as well as any requirements and time frames to be followed, for further clarity, for the benefit of Samoan authorities and of requesting States.
• Determine the responsibility for the costs of executing requests for mutual legal responsibility for the costs of executing requests for mutual legal assistance.
• Consider establishing a framework for transferring criminal proceedings.
• Take measures to widen the scope of special investigative techniques to allow for the use of controlled deliveries and, where appropriate, undercover operations, and make those methods available in the context of international cooperation.

Institutional frameworks

• Lack of investigative capacity of existing authorities
• Provide training and professional development.
• See technical assistances and support in areas that are needed to be developed.

• Siloed working mentality of anti-corruption agencies – affect sharing of information, expertise and resources.
• Revisit the effectiveness of current coordinating mechanisms.
• Strengthen the capacity of the SUNCACC in the areas of anti-corruption measures.

Governance
- Limited participation of civil society and other sectors in fighting and addressing corruption

- Strengthen relationships and partnerships amongst public sector and non-government sectors to prevent, combat and address corruption.

### Capacity development

- Lack of capacity

- Capacity-building on handling requests for mutual legal assistance (MLA).
- Assistance in developing a case management system in the Office of the Attorney General.
- Increase resources for money laundering detection and investigation.
- Build capacity in the use of financial intelligence to investigate and prosecute money laundering.
- Strengthen coordination between the Financial Intelligence Unit and law enforcement authorities.

- Lack of public awareness of current policies and legislations that deal with corrupt practices and integrity issues

- Need to strengthen public awareness.

### Operating systems, policies and procedures

- Limited operating policies and procedures guiding the operationalised of anti-corruption measures across different sectors, sub-sectors and organisations.

- Strengthen recruitment and selection process in the public sector.
- Reduction of human errors and knowledge driven development through technology improvements.
- Strengthen monitoring and evaluation in the the public administration sector.