

# ANTI-BRIBERY AND CORRUPTION POLICY

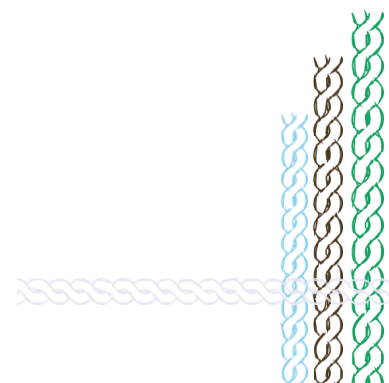
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## ABSTRACT

At eBASE Africa we seek to improve livelihoods through the use of innovation and best practices for underserved populations. We aspire to do this in an environment free of corruption

eBASE Africa



Person Responsible	<b>FR BERNADINE NSOM, BOARD LIAISON FOR ETHICS</b>
Register of Systems	<b>POLICIES AND PROCEDURES</b>

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# 1. POLICY STATEMENT

- 1.1 It is our policy to conduct all of our activities in an honest and ethical manner. We take a zero-tolerance approach to Bribery and Corruption and are committed to acting professionally, fairly and with integrity in all our dealings and relationships wherever we operate. We actively implement and enforce effective systems to counter all forms of bribery and corruption.
- 1.2 We will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which we operate. We remain bound by local and national laws;

- 🌐 Cameroon Penal Code otherwise known as law No. 67-LF-1 of 12th June 1967 which identifies and punishes several forms of corruption including bribery, indulgence, undue demand, compulsion of public servant, procuring influence, misappropriation of public funds and corruption of employee.
- 🌐 The Cameroon Criminal Procedure Code promulgated by law No 2005/007 of 27th July 2005.
- 🌐 The National anti-corruption commission created by Decree No 2006/88 of 11th March 2006, a National body that oversees anti-corruption efforts in Cameroon.
- 🌐 Law No. 2003/004 of 21/04/2003 on bank confidentiality that prohibits the invoking confidentiality on information concerning an account when this information is requested by public authorities for the purpose of investigating the account.
- 🌐 S.66 of the 1972 constitution of Cameroon as amended in 1996 requires the filing of a statement of assets and liabilities for all public officials. Law No 2006/3 of 25/04/2006 was enacted and concerns the said declaration of assets of public officials
- 🌐 The National Agency for the investigation of financial matters a body charged with investigating into suspected accounts, in which there is so much money.

These national laws dealing with corruption are applied in Cameroon alongside the international law on corruption;

- 🌐 The United Nations Convention Against Corruption is the first legally binding international anti-corruption instrument. This convention was adopted on the 31st of October 2003 and ratified by Cameroon on the 25th of April 2004. This convention gives the global community the opportunity to establish an effective set of bench marks for effective anti-corruption strategies.
- 🌐 The African Union Convention adopted by Cameroon on the 12th of July at the African Union Heads of States Summit at Maputo in Angola. The objectives of this convention as stated in its article 2 are as follows, (1) Promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors. (2) Promote, facilitate and regulate co-operation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and release offences in Africa.
- 🌐 The United Nations Convention on the fight against transnational organised crimes ratified by Cameroon



## 2. DEFINITIONS

**“Agent”**: Any individual acting as an agent, paid by eBASE, acting on eBASE’s behalf in negotiating with Third Parties.

**“Bribery” / “Corruption”**: Bribery occurs when one person offers, pays, seeks or accepts a payment, gift, favour, or a financial or other advantage from another to influence the outcome of a dealing improperly, to induce or reward improper conduct or to gain any commercial, contractual, regulatory or personal advantage. It can be direct or indirect through Third Parties.

**“Organisation”**: All subsidiaries and affiliated organisations.

**“Conflict of Interest”**: Occurs when an individual or organisation is involved in multiple interests, one of which could possibly corrupt, or be perceived to corrupt, the motivation for an act in another.

**“Donation”**: A Donation is a voluntary contribution in the form of monetary or non-monetary gifts to a fund or cause for which no return service or payment is expected or made.

**“Employee”**: For the purposes of this policy this includes all individuals working at all levels and grades, including senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, home-workers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with us, or any of our subsidiaries or joint ventures or their employees, wherever they are located.

**“Facilitation Payments”**: A form of Bribery in which small payments are made with the purpose of expediting or facilitating the performance by a Public Official of a routine governmental action and not to obtain or retain grant/donations/assistance/funding or any other undue advantage. Facilitation payments are typically demanded by low level and low-income Public Officials in exchange for providing services to which one is legally entitled without such payments.

**“Gifts, Invitations & Hospitality”**: Invitations given or received to social functions, sporting events, meals and entertainment, gifts or customary tokens of appreciation.

**“Intermediary”**: Includes but is not limited to Agents, distributors, consultants, representatives, implementation partners.

**“Kickback”**: A bribe to obtain an undue advantage, where a portion of the undue advantage is 'kicked backed' to the person who gave, or is supposed to give, the undue advantage.

**“Public Official”**: Officials or employees of any government or other public body, agency or legal entity, at any level, including officers or employees of state-owned enterprises and officers or employees of enterprises which are mandated by a public body or a state-owned enterprise to administrate public functions.

**“Sponsorship”**: Sponsorship is about partnering with external organizations to deliver mutual benefits through an exchange of monies, products, services, content or other intellectual property.

**“Third Party”**: Any individual or organization you come into contact with during the course of your work for us. This includes actual and potential consumers, suppliers,







grant/donation/assistance/funding contacts, Intermediaries, government and public bodies, including their advisors, representatives and officials, politicians and political parties.

## 3.SCOPE

- 3.1 This policy applies to all Employees and relevant Third Parties of eBASE and shall be communicated to them at the outset of our dealings and as appropriate thereafter.
- 3.2 This policy applies in all countries or territories where eBASE operates. Where local customs, standards, laws or other local policies apply that are stricter than the provision of this policy, the stricter rules must be complied with. However, if this policy stipulates stricter rules than local customs, standards, laws or other local policies, the stricter provisions of this policy shall apply.

## 4.GIFTS, INVITATIONS & HOSPITALITY

- 4.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from Third Parties.
- 4.2 You are prohibited from accepting a gift or giving a gift to a third party in the following situations:
  -  It is made with the intention of influencing a Third Party to obtain or retain grant/donations/funding, to gain a grant/donations/assistance/funding advantage, or to reward the provision or retention of grant/donations/assistance/funding or a grant/donations/assistance/funding advantage, or in explicit or implicit exchange for favours or benefits;
  -  It is given in your name and not in the name of eBASE;
  -  It is of an inappropriate type and value and given at an inappropriate time (e.g. during a tender process); and
  -  It is given secretly and not openly.
- 4.3 We appreciate that the practice of giving grant/donations/assistance/funding gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable, justifiable and is proportionate. The intention behind the gift should always be considered.

## 5.FACILITATION PAYMENTS & KICKBACKS

- 5.1 In many jurisdictions, making Facilitation Payments is illegal. We do not make, and will not accept, Facilitation Payments or Kickbacks of any kind anywhere in the world.



- 5.2 Where the facilitation payment is being extorted or you are being coerced to pay it and your safety or liberty is under threat or you feel you have no alternative but to pay for personal or family peace of mind, then pay the Facilitation Payment and report this to your line manager as soon as possible.

## 6. YOUR RESPONSIBILITIES

- 6.1 It is not acceptable for you (or someone on your behalf) to:

- 🚫 give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a grant/donation/assistance/funding advantage will be received, or to reward a grant/donations/assistance/funding advantage already given;
- 🚫 give, promise to give, or offer, a payment, gift or hospitality to a Public Official or Third Party to 'facilitate' or expedite a routine procedure;
- 🚫 accept payment from a Third Party that you know or suspect is offered with the expectation that it will obtain a grant/donations/assistance/funding advantage for them;
- 🚫 accept a gift or hospitality from a Third Party if you know or suspect that it is offered or provided with an expectation that a grant/donation/assistance/funding advantage will be provided by us in return;
- 🚫 threaten or retaliate against another Employee who has refused to commit a bribery offence or who has raised concerns under this policy; or
- 🚫 engage in any activity that might lead to a breach of this policy or perceived breach of this policy.

- 6.2 It is your responsibility to ensure that all accounts, invoices, memoranda and other documents and records relating to dealings with Third Parties, such as consumers, suppliers and grant/donation/assistance/funding contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept 'off-book'.

- 6.3 You must declare and keep a written record of all Gifts, Invitations & Hospitality according to this policy accepted or offered, which will be subject to managerial review.

- 6.4 You must ensure all expense claims relating to Gifts, Invitations & Hospitality or expenses incurred to Third Parties are submitted in accordance with eBASE's expenses policy and specifically record the reason for the expenditure.

- 6.5 The prevention, detection and reporting of any form of Bribery & Corruption are the responsibility of all Employees. You must notify your direct team supervisor and/or eBASE team lead as soon as possible if you are offered a bribe, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

- 6.6 All Employees have the responsibility to read, understand and comply with this policy. You should at all times, avoid any activity that might lead to, or suggest, a breach of this policy.

- 6.7 Any Employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.



6.8 This policy should be read in conjunction with eBASE's Gifts, Invitations & Hospitality internal rules and regulations, Conflicts of Interest stipulations and Code of Ethics.

6.9 Employees are encouraged to raise concerns about any instance, or suspicion, of malpractice at the earliest possible stage through you direct team supervisor and/or eBASE Liaison for Ethics Fr Bernadine Nsom at +237-699971277 or +447557675750.

**FURTHER "RED FLAGS" THAT MAY INDICATE BRIBERY OR CORRUPTION ARE SET OUT IN APPENDIX 1.**

## 7. PROTECTION

7.1 Employees who refuse to take part in bribery or corruption, or report in good faith under this policy their suspicion that an actual or potential bribery or other corruption offence has taken place or may take place in the future will be protected from detrimental treatment/retaliation. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

## 8. GOVERNANCE

8.1 The board of directors has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.

8.2 Fr. Bernadine Nsom has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it. This training shall also be given to Intermediaries.



## 9. MONITORING AND REVIEW

- 9.1 eBASE will establish and put in place appropriate performance measures and reporting systems to monitor performance against metrics and compliance with the relevant policies, procedures and controls.
- 9.2 Fr. Bernadine Nsom will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible.
- 9.3 Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective. Fr. Bernadine Nsom will report to the Team lead at least annually on the application of this policy.

## APPENDIX 1 "RED FLAGS"

The following is a list of possible red flags that may arise during the course of your work for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags while working for us, you must report them promptly to Fr Bernadine Nsom, Board Liaison for Ethics

- a. You become aware that a Third Party engages in, or has been accused of engaging in, improper grant/donations/assistance/funding practices;
- b. If the Third Party refuses to divulge adequate information during due diligence procedure;
- c. You learn that a Third Party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a 'special relationship' with foreign Public Officials;
- d. A Third Party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- e. A Third-Party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- f. A Third-Party request that payment is made to a country or geographic location different from where the Third Party resides or conducts grant/donations/assistance/funding;
- g. A Third Party requests an unexpected additional fee or commission to 'facilitate' a service;
- h. A Third Party demands lavish Gifts, Invitations or Hospitality before commencing or continuing contractual negotiations or provision of services;
- i. A Third-Party request that a payment is made to 'overlook' potential legal violations;
- j. A Third-Party request that you provide employment or some other advantage to a friend or relative;





- k. A Third-Party request that you make a political contribution or donation to the party or charity of their choice before agreeing to undertake a grant/donations/assistance/funding relationship with eBASE
- l. You receive an invoice from a Third Party that appears to be non-standard or customised;
- m. A Third Party refuses to put terms agreed in writing;
- n. You notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- o. A Third Party requests or requires the use of an Agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us; or
- p. You are offered an unusually generous gift or offered lavish hospitality by a Third Party.



This policy was adopted by eBASE Africa on 3rd April 2017

Signed on behalf of the Board of Trustees by:

Signature \_\_\_\_\_

  
DR PATRICK MBAH OKWEN

The policy has been reviewed by the Board of Trustees on:

Date 03.04.2017

