

01 January 2022

POLICY PROHIBITING AND COMBATTING FRAUD AND CORRUPTION

Section 1

General Introduction

This statement of COSEDA's Policy Prohibiting and Combatting Fraud and Corruption strongly supports COSEDA's enduring zero tolerance for all forms of fraud and corruption, and indicates the steps to be taken in response to good faith reports of likely fraud.

Applicability

Staff and Non-Staff Personnel

1.1 All staff members and non-staff personnel are obligated to confirm with this Policy.

(a) A "staff member" is any person having a Letter of Appointment to COSEDA signed under the authority of the COSEDA Executive Director.

(b) "Non-staff personnel" includes any person who is working with COSEDA as a Volunteer, internship, or any similar arrangement; it does not include staff members or individual consultants or contractors.

Vendors (including Consultants)

1.2 COSEDA individual consultants and contractors are expected to maintain the highest standard of conduct in connection with their engagement with COSEDA. A commitment to the highest ethical standards is a major consideration in the selection of individual consultants and contractors at COSEDA.

1.3 COSEDA vendors (including institutional consultants) and civil society implementing partners are expected to adopt and enforce strong policies combatting fraud and corruption. Those policies are expected to be no less stronger than this Policy.

Definitions

1.5 In this Policy, "fraud" means the actual or attempted use of deceit, falsehood, or dishonest means (including willful omission) to secure direct or indirect financial or material gain, personal advantage or other benefit, and includes fraudulent conduct, corrupt conduct, collusive conduct, coercive conduct, and obstructionist conduct (as defined below). It includes attempted fraud (even if unsuccessful).

(a) "Fraudulent conduct" is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party in order to obtain a financial or other benefit or to avoid an obligation;

(b) "Corrupt conduct" is the offering, giving, receiving, or soliciting (in each case, directly or indirectly) anything of value in order to influence improperly the actions of another party;

(c) "Collusive conduct" is the proposing or entering into an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party;

(d) "Coercive conduct" is the impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party in order to influence the actions of that party or another; and

(e) "Obstructive conduct" is (i) any act which deliberately and in an effort to compromise an investigation, destroys, falsifies, alters or conceals information or documents that may be relevant to a fraud and corruption investigation, or material that could become evidence as a result of such investigation; or (ii) the making of false statements to investigators during such an investigation.

Section 2

Policy against Fraud

2.1 COSEDA staff members and non-staff personnel are not to involve in fraud.

2. I(a) Fraud against COSEDA will constitute misconduct and will be grounds for dismissal. It may lead to actions to recover any losses incurred by COSEDA as a result of such fraud (including referral to law enforcement authorities).

2. I(b) Fraud against others will also constitute misconduct, being conduct unbecoming of an international civil servant, and will also be grounds for dismissal.

2.2 COSEDA vendors (including individual consultants and contractors, and institutional consultants) are not to involve in fraud.

2.2 (a) Fraud against COSEDA will constitute grounds for termination of the relationship with COSEDA. It may lead to actions to recover any losses incurred by COSEDA as a result of such fraud (including referral to law enforcement authorities).

2.3 COSEDA Senior Management will investigate all reliable claims of fraud involving COSEDA. Where fraud is well-known, COSEDA will decide on the appropriate steps to taken in response, including possible dismissal or sanctioning of staff or non-staff personnel, exercising termination and other contractual rights against external parties, and recovery of losses. COSEDA will refer cases to law enforcement authorities where it determines a referral is appropriate.

Section 3

Reporting Procedures and Subsequent Actions

Reporting

3.1 COSEDA staff and non-staff personnel are required to report all reasonable suspicions of fraud involving COSEDA to the Executive Director and Senior Management.

3.2 COSEDA vendors (including individual consultants and contractors, are also required to report good faith suspicion of fraud involving COSEDA to the Executive Director as soon as possible.

3.3 Reports to the Executive Director, can be made in any of the following ways depending on who is making the report: (a) to the Head of the relevant COSEDA Office or to one's supervisor at COSEDA, who must then refer the matter to the Executive Director and (c) by email to the Executive Director (which is monitored by the Senior Management). Reports must be as thorough and specific as possible.

3.4 Reports must be made in good faith. Making a false or malicious allegation is not permitted or protected, and may result in disciplinary action (in the case of staff), or termination of contract for cause (in all other cases).

3.5 Reports can be made anonymously, though anonymous reports that lack specific details will be reviewed but may not be pursued further after that if the report does not include sufficient supporting material.

Follow-up Action

3.6 COSEDA will take appropriate action, in the circumstances of each case, where it determines that staff member or non-staff personnel has engaged in fraud, and where it determines there has been fraud involving COSEDA. Actions can include dismissal or termination of relationship with COSEDA and reasonable efforts to recover financial losses by way of (for example) internal administrative proceedings, and contractual claims for recovery.

Section 4

Disclosure; Confidentiality

4.1 Fraud cases investigated by COSEDA will be reported to the COSEDA Executive Board annually.

4.2 The report of COSEDA's investigation of such reports of fraud is a confidential document; neither the report, nor any summary of the report, will be disclosed other than to law enforcement in the case of any referral to law enforcement.

Emmanuel Ramba,
Executive Director

