

Integration of digital technologies in anti-corruption initiatives in Botswana: lessons from Georgia, Ukraine and South Africa

Anti-corruption initiatives in Botswana

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Abstract

Purpose – This paper aims to explore the potential role of digitalization in reshaping Botswana’s assets and liabilities declaration system. Digitalization presents opportunities to not only improve efficiencies in how services are delivered and citizens are engaged but also to integrate innovative ways to combat wicked problems such as illicit enrichment and conflicts of interest in the public service.

Design/methodology/approach – This qualitative paper adopts an exploratory research design to investigate how digital technologies can be used to enhance anti-corruption reforms in a developing country context. Primary data, focusing on the shortcomings and successes of Botswana’s asset declaration system, were collected from interviews with key policy actors in Botswana’s anti-corruption landscape, whereas secondary data were drawn from documents such as official reports, news and social media reports and available literature on the topics of digitalization and anti-corruption reforms. A comparative case study approach is used, highlighting successes and challenges in the use of electronic disclosure systems in Georgia, Ukraine and South Africa.

Findings – The analysis provides insights into the potential benefits and challenges associated with the integration of digital technologies in the asset and liability declaration process. The integration of digital technologies in the anti-corruption efforts of Georgia, Ukraine and South Africa has contributed to the development of robust electronic declaration systems. However, political resistance, costs, technical capacity and verification processes are identified as some of the core challenges confronting agencies tasked with implementing asset declaration systems.

Research limitations/implications – The political and socio-economic contexts in the country case studies presented are distinct, as are the challenges posed by corruption. Although Botswana can gain insights from the implementation experiences of Georgia, Ukraine and South Africa, policymakers and implementers need to take into account these subtleties and their potential influence on the success or failure of a similar system. The research has implications for policy and practice by proposing an alternative approach to the implementation of Botswana’s asset declaration system. This will be of interest to policymakers, anti-corruption activists and scholars.

Originality/value – To the best of the authors’ knowledge, prior research has not studied the relationship between digitalization and anti-corruption reforms in Botswana. This paper contributes to the dearth of knowledge regarding the role of digitalization as a driver of anti-corruption reforms. The paper informs policy

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decisions related to the implementation of digital transformation initiatives in line with Botswana's anti-corruption and digital transformation agendas.

Keywords Anti-corruption, Conflict of interest, Digitalization, Asset and liability disclosure system

Paper type Research paper

1. Introduction

In his Reset Agenda speech on 8 May 2021, Botswana's President Mokgweetsi Masisi stated that the COVID-19 pandemic, conjugated with the global economic recession, required the country to revisit its problem-solving strategies. This entails, amongst others, adopting new approaches and smarter ways of implementing projects on time, addressing poor levels of productivity in the public service, consolidating state–society relations and reducing poverty and inequality. The president further noted that:

“We find an evolving culture of a democratically elected but increasingly pliable political leadership of the last three decades, held to ransom by groups of abrasive technocrats in low-productivity mode, albeit with rising incidences of corruption” ([BWgovernment Facebook Page, 2021](#)).

The President acknowledged that digitalization has a crucial role to play, particularly in addressing deficiencies in the public service as well as shortcomings in the delivery of services. This paper examines the potential role of digitalization in contributing to Botswana's anti-corruption agenda. In particular, the study explores how digitalization has enabled the utilization of digital technologies such as e-declaration systems to combat corruption. An increasing number of countries have adopted asset and liability or financial disclosure systems since the United Nations Convention against Corruption (UNCAC) was promulgated in 2003. In addition, some countries have digitized their disclosure systems, whereas others, such as Botswana, have maintained a traditional paper-based system.

Botswana's Declaration of Assets and Liabilities Act (DALA) was enacted in 2019. The DALA aims to prevent and detect corrupt practices, money laundering and illicit enrichment or unexplained wealth. Notwithstanding this piece of legislation, conflict of interest, defined as “when a public official has private capacity interests which could improperly influence the performance of their official duties and responsibilities” [[Organisation for Economic Co-operation and Development \(OECD\), 2005, p. 7](#)], remains one of the most prevalent forms of corruption in Botswana's public service. The country's national anti-corruption agency – the Directorate on Corruption and Economic Crime – reported a 13% increase in cases of conflict of interest in Botswana's public service between 2015 and 2020.

The DALA requires certain categories of public officials to disclose their assets, liabilities and interests to the Ethics and Integrity Directorate (EID) every 24 months. However, in March 2022, the Assistant Minister of State President revealed that approximately 27% of the declarations submitted by declarants were compliant with the requirements of the DALA, with a modest increase of 10% being reported in January 2023. Consequently, the DALA has been amended twice since its enactment with one of the primary objectives being to strengthen the implementation of the Act. In the passage leading up to the amendments of the Act, debates amongst parliamentarians illustrated the cumbersome nature of the submission process. Furthermore, capacity constraints have been cited as one of the critical challenges confronting the EID.

Therefore, it is logical to explore the potential role that a digitized declaration system could play in Botswana. Section 2 provides a brief overview of the paper's methodological approach, followed by an analysis of the conceptual framework in Section 3. The asset and liability declaration system in Botswana is examined in Section 4 by assessing the legislative and

institutional mechanisms that have been established to facilitate its implementation. Section 5 reviews the country case studies by evaluating the implementation of electronic disclosure systems in Georgia, Ukraine and South Africa, before a discussion on the implications of the study for policy and practice in Section 6. Finally, Section 7 concludes the paper and offers recommendations.

2. Methodology

This qualitative study adopts an exploratory research design to investigate the potential benefits and challenges of integrating digital technologies in Botswana's anti-corruption reforms. [Stevens et al. \(2013\)](#) suggest that exploratory research is needed whenever the researcher seeks to, *inter alia*, more precisely define an ambiguous problem or opportunity, increase an understanding of an issue or provide insights and generate ideas. As such, the research question this paper seeks to address is: which lessons can Botswana draw from the implementation of electronic declaration systems in Georgia, Ukraine and South Africa?

Botswana, Georgia, Ukraine and South Africa are parties to the UNCAC, which urges member states to adopt asset declaration systems. Botswana shares similar political, cultural and social characteristics to some extent with South Africa. Although Georgia and Ukraine's experiences in tackling corruption are embedded in revolutionary movements, these two countries are lauded for implementing progressive electronic declaration systems. Botswana's experience in implementing an asset and liability disclosure system is recent, which provides an opportunity for it to draw valuable lessons from other jurisdictions.

To better understand Botswana's asset declaration system, primary data were collected through semi-structured interviews with 12 senior representatives of state and non-state anti-corruption institutions in Botswana. The interviews were centred on examining some of the shortcomings and successes of Botswana's asset declaration system as informants were asked to share their views on the implementation of the DALA. In addition to the interviews, secondary sources such as official reports from the United Nations Office on Drugs and Crime (UNODC) and Transparency International, as well as news and social media reports were collected to supplement the primary data. Interview transcripts were analysed using ATLAS.ti software, with the following themes emerging from this process: political will, institutional capacity and institutional and legislative framework. Thematic analysis was considered an appropriate approach because of its theoretical flexibility in identifying, describing and interpreting patterns or themes ([Braun and Clarke, 2006](#)), whereas document analysis provided a nuanced assessment of the implementation experiences of asset declaration systems in Georgia, Ukraine and South Africa.

3. Conceptual framework

It is necessary to clarify the key constructs that are central to the paper. The adoption of digital technologies has altered the way businesses and governments pursue their objectives, particularly as countries find ways to combat the scourge of corruption across various sectors of society. Therefore, it is important to establish the intersection between digitalization, anticorruption reforms and asset disclosure systems.

3.1 Digitalization and anti-corruption reforms

It is widely accepted that the digital era has brought about fundamental changes across all aspects of life. [Kneuer and Milner \(2019, p. 7\)](#) contend that the "explosion of new data and technologies has facilitated the spread of information and action among individuals, consumers, firms, industries, movements, and governments". [Jenkin and Naude \(2018\)](#) make a distinction between digitization and digitalization. Whereas the former refers to the use of

digital means to convert existing resources and processes by making them more efficient and effective (e.g. converting non-digital data or information into digital formats), the latter is a broader concept that aims to leverage the use of digital technologies to enhance decision-making, adjust operational practices and improve overall performance (e.g. implementation of digital workflows, using data analytics to optimize processes or introducing real-time monitoring devices).

[Mackey and Cuomo \(2020\)](#) argue that digital technologies that can detect and prevent fraud and corruption are important to address barriers to access to medicines, such as medicines availability and affordability, shortages, diversion and infiltration of substandard and falsified medicines. The authors are of the view that though digital technologies offer significant promise towards enhancing transparency, accountability and combatting corruption, overall adoption is still lagging. [Baku \(2021\)](#) adds that while European countries such as Denmark and Estonia perform relatively well in the digitalization of government services, little research attention has focused on how African countries have adopted digital technologies to improve lives, businesses and public sector management in the 21st century.

Notwithstanding the potential role that digitalization can play in strengthening the anti-corruption efforts of both developed and developing countries, some studies ([Adam and Fazekas, 2021](#); [Cappelli et al., 2022](#)) find that digital technologies present new corruption opportunities through the dark web, cryptocurrencies or the misuse of technologies such as centralized databases. Essentially, the potential effectiveness of these technologies to contribute to the fight against corruption hinges on factors such as the political, socio-cultural, technological and economic environment of the country in question. As [Adam and Fazekas \(2021, p. 3\)](#) indicate information and communication technology (ICT) may decrease or increase corruption depending on the type of intervention, impact channels and context. While ICT can aid the fight against corruption by fostering transparency, and facilitating information flows between government and citizens, these technologies may also introduce new opportunities for concealing wrongdoing.

Nevertheless, several empirical studies suggest that the benefits associated with digital technologies in combatting corruption outweigh the aforementioned risks. For example, [Elbahnasawy \(2014\)](#) uses a large panel data set to investigate the impact of e-government and internet adoption on curbing corruption and finds that e-government is a powerful tool in reducing corruption. Similarly, [Sassi and Ben Ali \(2017\)](#) find that African economies can benefit from the anti-corruption effects of ICT adoption once a threshold of rule of law is reached. In other words, the effectiveness of digital technologies in curbing corruption is contingent upon a good level of law enforcement.

3.2 Asset disclosure systems

Several international conventions and instruments such as the UNCAC, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the African Union Convention on Preventing and Combating Corruption and the Southern African Development Community Protocol Against Corruption implore member states to implement mechanisms aimed at preventing corruption. Asset and liability declaration or financial disclosure systems is an example of such a preventative measure. Article 8 of the UNCAC stipulates that where appropriate and per the fundamental principles of its domestic law, member states should establish measures and systems requiring public officials to make declarations to appropriate authorities. The [OECD \(2011, p. 12\)](#) notes that the main aims of disclosure systems include:

- increasing levels of transparency and the trust of citizens in public administration, by disclosing information about the assets of politicians and civil servants;

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- helping heads of public institutions prevent conflicts of interest among their employees and resolve such situations when they arise, and to promote integrity within their institutions; and
 - monitoring wealth variations of individual politicians and civil servants to dissuade them from misconduct and protect them from false accusations.

Since the adoption of the UNCAC in 2003, asset declaration systems have widely been introduced in several countries, but as [Ashukem \(2022\)](#) argues, the reality is that compliance with asset declaration requirements remains a major challenge. For instance, [Ashukem \(2022\)](#) finds that Ghana's legal regime does not punish non-compliance. Conversely, Kenya takes appropriate action against public officials who fail to comply with declaration requirements. To explain this anomaly, [Villeneuve et al. \(2019, p. 445\)](#) suggest that anti-corruption policies can be distinguished between those developed to simply comply with regulations and legislation "on paper" and those supporting the actual implementation of new or existing laws "in practice".

Perhaps, one of the fundamental questions regarding the design of disclosure systems is whether or not citizens should be allowed to freely access declarations made by public officials. Concerns about the adoption of assets and liabilities disclosure systems are typically centred on the notion that they violate the privacy of public officials and/or their family members. [Burdescu et al. \(2009\)](#) are of the view that many countries struggle with whether and how to make asset declaration information accessible to the public. However, the authors argue that granting public access to asset declaration information can enhance both the effectiveness and credibility of such systems.

[Kotlyar and Pop \(2016\)](#) add that public disclosure of declarations does not infringe on public officials' rights to privacy and data protection, as both rights are not absolute and can be restricted provided there is a basis in law and a legitimate public interest justifies the restriction. Notwithstanding the disclosure model (confidential or publicly accessible), there is little doubt that asset disclosure systems are crucial to establishing a public integrity framework that enhances accountability, tackles illicit enrichment or unexplained wealth and prevents conflicts of interest in the public sector. Although disclosure systems could potentially play a pivotal role in helping to prevent corruption, they are often not supported especially in countries characterized by widespread petty and grand forms of corruption, the rule of law is weak and there is little to no political will or commitment in implementing anti-corruption reforms ([Chene, 2008](#)).

Furthermore, the implementation of an effective asset declaration system is not without challenges. The costs associated with adopting technologies can prove prohibitive for governments lacking adequate financial resources. [Chene \(2015\)](#) adds that the use of this technology requires access to sufficient training and technical expertise to ensure the system functions effectively. These are major challenges facing many public sector anti-corruption institutions, which may lack the understanding of how technology and data management can be integrated to achieve their policy goals. For instance, in Indonesia, the transition from a paper-based to an electronic declaration system has been carried out incrementally. Although 90% of the declarants submit electronically, public officers lacking technical capacity submit their declarations physically ([UNODC, 2019](#)).

4. Findings and discussion: Botswana's asset disclosure framework

4.1 *Declaration of assets and liabilities act*

The Act seeks to monitor the interests, income, assets and liabilities of certain categories of public officials to prevent and detect instances of corruption, money laundering and the

acquisition of property through the proceeds of criminal activities. The Act applies to the following: President, Vice-President, Speaker and Deputy Speaker of the National Assembly, former President, ministers, and assistant ministers, members of Parliament, judges, senior public officials in both local and central government, heads of private enterprises, board members of state owned enterprises and any other officer that may be prescribed.

Although the DALA “targets” senior leaders and those in at-risk positions within the public service and various security clusters, a perceptible weakness of the declaration process is that declarants complete and submit disclosure forms manually (i.e. paper-based), and the system is not linked to other national databases such as the land, transport and business registries. Despite the DALA making provisions for administrative sanctions and penalties to address non-compliance, the EID’s capacity to enforce these sanctions effectively remains to be seen.

The DALA makes provisions for confidential disclosures, thereby restricting public access to declarations. Nonetheless, the EID is mandated to create a public registry that discloses the names of individuals who have submitted their declarations on time, those who have failed to comply and those who have faced penalties under the Act. According to the DALA, access to the registry is contingent upon one physically examining it at the EID offices or having the financial means to cover the prescribed fee. Disclosures to a third party may only be made if the EID officer is required to do so by any written law or by an order of the court. Failure to keep declarations confidential is an offense and attracts a fine not exceeding P500,000 (approximately US\$36,310) imprisonment for a term not exceeding nine years, or both. Moreover, a person accessing a declaration may not use it for any illegal or commercial purpose, or to solicit money for political, charitable or other purposes. Contravening this provision is an offense that attracts a fine not exceeding P50,000 (approximately US\$3631) a term of imprisonment not exceeding three years, or both. Furthermore, Section 19 stipulates that a third party should not disclose confidential information received from the EID as such an offense attracts a more substantial fine not exceeding P1,000,000 (approximately US\$72,620) or a term of imprisonment not exceeding five years, or both.

However, given the array of penalties listed in the original Act, an amendment was undertaken in 2022 to align some of the offenses and penalties. Therefore, penalties for using information contained in declarations for purposes other than those outlined in the Act, disclosing confidential information by third parties, and the unauthorized disclosure of information by officers of the Directorate were reviewed and now attract fines not exceeding P500,000 (approximately US\$36,310) or a term of imprisonment not exceeding 10 years, or both.

4.2 Ethics and integrity directorate

The DALA also establishes the EID, which comprises a Director-General and other personnel necessary for the effective operation of the Directorate. The EID commenced its operations in January 2020 and serves as the primary custodian of Botswana’s disclosure framework. The EID comprises two distinct divisions, namely, the Monitoring and Legal Enforcement Division, and the Asset Declaration and Management Division, each of which is headed by a Deputy Director. The Directorate’s ability to execute its mandate, particularly in the areas of monitoring and enforcing the provisions of the DALA, has been questioned by members of Parliament. Added to the foregoing, two caveats may be pointed out. Firstly, the EID is inadequately staffed, which has an impact on its operational capabilities such as updating the declaration Registrar, verifying and analysing declarations, as well as developing educational material for the public. Secondly, the Directorate lacks resources, as it does not own any physical offices and has yet to establish a declarants’ register indicating the names of public officials required to declare.

4.3 Gaps in the disclosure framework

The Government of Botswana made an effort to enhance the country's anti-corruption framework through the implementation of the DALA. However, the process of enacting this law was highly contested due to differing opinions among policy actors regarding its design. During parliamentary debates focused on amending the DALA, opposition Members of Parliament argued that the declarations submitted by public officials should be accessible to the public. On the other hand, members of the ruling party believed that access to these declarations should only be granted if certain legal requirements were met, such as obtaining a court order.

Hence, one could contend that imposing any form of constraint on public access to declarations curtails the prospective efficacy of the disclosure framework. Several interviewees argued that the enactment of the DALA was merely a superficial measure to fulfil a requirement. For instance, a respondent from a civil society organization stated that:

[. . .] "it seems as if steps taken to fight corruption are often aimed at ticking a box. The government seems content with doing just enough to have a framework in place. With regards to the DALA, the provision that declarations cannot be made public and the hefty penalties [. . .] were you trying to make a functional asset declaration system or were you trying to tick a box?" (KR-1).

Another interviewee argued that the DALA was not designed to encourage accountability and was, therefore, "extremely ineffective because there is no verification carried out" (KR-4). Despite the fact that the EID began operating in 2020, a respondent mentioned that the validation of declarations had not been undertaken. Furthermore, the paper-based submission requirement poses logistical difficulties for public officials living in distant regions or outside the capital city, where the EID offices are located. With the assistance of the UNODC, the EID revised its asset and liability declaration form significantly to ensure that it is aligned with the DALA by capturing data that flags potential conflicts of interest. Another issue raised during the interviews related to the fact that the staff of the EID "were not experts when they were recruited" (KR-12). Therefore, the provision of staff training and development will be crucial to executing the mandate of the EID.

It is important to reiterate that the DALA requires various categories of approximately 4,000 politicians and public officials to submit their declarations, yet compliance levels remain low and little is known about whether the EID has enforced sanctions on non-compliant officials. Furthermore, the government's 2015 decision to permit public servants to engage in business transactions with the state faced criticism due to concerns that it could undermine ongoing efforts to combat corruption. This criticism stemmed from the fact that public officials, who possess access to sensitive information regarding public contracts, could potentially exploit their positions to exert direct or indirect influence over the outcomes of contract awards (Phetlhe, 2021; Molefhe, 2018).

Added to the foregoing, Botswana is yet to enact a right to information or freedom of information act, which, according to Spáč *et al.* (2018), intends to provide citizens with the right to ask for information, binds public officials to respond to such demands and generally promotes transparency. Recent Afrobarometer surveys point towards declining levels of citizens' trust in state institutions and increasing levels of perceived corruption amongst politicians and civil servants in Botswana. In light of this, policymakers need to assess how Botswana's anti-corruption reforms can be aligned with the President's Reset Agenda and Digital Transformation Strategy. Berliner *et al.* (2018) argue that the open government agenda, driven by technological developments, has influenced the transparency landscape because of the shift in focus on technology-enabled open data reforms.

A systematic analysis of the roles and functions of electronic declaration (e-declaration) systems in Georgia, Ukraine and South Africa is undertaken to explore the potential value of integrating digital technologies in combatting prevalent forms of corruption (illicit enrichment, money laundering and conflicts of interest) in the public sector. E-declaration systems are not a panacea and may yet be subjected to skepticism and drawbacks. However, as the country cases demonstrate, the systems are effective not only in acting as wealth monitoring tools but perhaps more importantly, in holding public officials accountable.

5. Electronic declaration systems in Georgia, Ukraine and South Africa

According to the World Bank, more than 150 countries have introduced asset disclosure requirements for their public officials (Kotlyar and Pop, 2016). Even though Botswana performs comparatively better than Georgia, Ukraine and South Africa on Transparency International's 2023 Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, the latter three countries have implemented electronic declaration systems that have contributed to curbing conflicts of interest and illicit enrichment in their public administrations. The paper acknowledges the uniqueness of each country's context and, consequently, recognizes that the extent of its anti-corruption program may vary from that of Botswana. Nevertheless, as Botswana seeks to enhance its own assets and liabilities declaration system, these countries offer useful insights into the role that electronic asset declaration systems play in contributing to combatting corruption.

5.1 Georgia

5.1.1 Overview of corruption in Georgia. Situated between Russia in the north and Turkey in the south, Georgia has undertaken several anti-corruption reforms to consolidate its position as the highest-scoring country in Eastern Europe and Central Asia on several indices, including the 2023 CPI. Georgia's anti-corruption reforms can be traced to the Rose Revolution in 2003, which came about as a result of several years of economic stagnation and rampant corruption in the civil service. Kandelaki (2006) points out that the revolution was a revolt against corruption and a kleptocratic government. Corruption had permeated all spheres of political and economic life as an increasing number of citizens were forced to engage in corrupt practices if they wished to receive government services (e.g. apply for a passport, register property, obtain a driver's license) or receive university admission.

5.1.2 Asset declaration system context. The Government of Georgia promulgated the asset declarations monitoring system in 2010 with the central aim of increasing transparency and trust of citizens in the public administration, promoting integrity, as well as preventing conflicts of interest through enhanced monitoring of disclosed information on assets of public officials. Georgia's disclosure system is regulated by the Law on Conflict of Interest and Corruption in Public Service (COI Law). According to the OECD (2022), Georgia has a well-established framework for the disclosure of assets and interests held by individuals occupying public office. The COI Law requires public officials to complete and submit their declarations to the Civil Service Bureau (CSB), which is responsible for implementing the system, during and after their term of office. Legislative amendments were carried out in 2017 to reinforce the verification aspect of the system.

Declarations are submitted electronically through the Online Asset Declaration Electronic System on a dedicated website and members of the public have access to most of the information contained in declaration forms within 48 h after their submission. However, access to certain information such as state or official secrets and personal information (i.e. personal number, address of permanent residence and information related to the period before first

appointment and/or period after dismissal) is restricted. The disclosure system is connected to other national registers and databases, which enables the CSB to cross-check data for possible discrepancies. The [OECD \(2022\)](#) notes that the disclosure system has been upgraded by the CSB to make it more efficient, accurate and quicker to complete. The integration of the disclosure system with other government registers and databases allows data to be pre-filled into the declaration form.

The declaration system has been used by civil society organizations such as Transparency International Georgia and journalists to identify alleged cases of conflict of interest, corruption and incompatibility of duty. [Transparency International Georgia \(2023\)](#) reports that declarations with violations were most frequently submitted by members of Parliament (83%), followed by heads of state-owned enterprises and non-commercial organizations (67%) and municipal officials (55%). A discernible pattern has emerged whereby the majority of violations relate to public officials concealing or inadequately disclosing data about their kin, including the earnings of their family members, property holdings, bank details, contractual obligations and derived financial benefits.

In 2022, the CSB verified 346 asset declaration submissions, with 181 (52%) considered compliant and 48% non-compliant or in violation of the declaration requirements. Consequently, 136 officials (39%) were fined, whereas 45 (13%) received a warning. According to the [UNODC \(2017\)](#) Georgia's current model of declaring assets is one of the most successful among the existing e-declaration systems. To address data protection concerns, the system has been connected to servers that comply with international standards. Moreover, the system is designed to facilitate the implementation of Georgia's anti-corruption law (Law on Conflict of Interest and Corruption in Public Service or COI LAW). Over 6,000 public officials are required to submit their declarations annually. Five employees of the CSB are responsible for collecting these declarations, whereas eight staff members are tasked with monitoring and verifying submitted declarations.

[Transparency International Georgia \(2020\)](#) stipulates that the integration of the monitoring mechanism in Georgia's asset declaration system in 2017 revealed violations in 80% of the declarations checked. This implies that the mechanism for the verification and enforcement of the asset declaration system had been weak and ineffective. Following the launch of the monitoring mechanism, civil society organizations and the media can detect violations related to conflict of interest and illicit enrichment. For example, in 2023, media reports indicated that a Director General of a state-owned enterprise had not declared certain luxurious assets. Furthermore, it was revealed that there were discrepancies between the income he declared and the origin of funds used to acquire these assets, as his income was considerably insufficient.

5.2 Ukraine

5.2.1 Overview of corruption in Ukraine. Like Georgia, Ukraine has experienced endemic levels of corruption, with Transparency International's 2023 CPI scoring the country at 36. The Government of Ukraine's 2014 diagnostic report identified several factors contributing to the country's state of poor governance. Firstly, there was widespread agreement that corruption in the country was pervasive and oppressive. Secondly, the public service was described as bloated, inefficient and politically controlled. It was also characterized by a lack of transparency in its processes and decisions, low pay, an insufficient skills base and duplication of responsibilities among agencies. Thirdly, laws that had been passed were narrowly tailored to advance specific personal or business agendas rather than the public good. In doing so, laws were repeatedly amended – even

after just having been passed – thus contributing to a lack of legal certainty. Finally, collusive ties between political and business elites facilitated corruption across all spheres of public life: from valuable procurement contracts to the issuance of licenses and permits for small and medium-sized enterprises.

5.2.2 Asset declaration system context. Ukraine's asset declaration system can be traced to the mid-1990s, but according to [Kotlyar and Pop \(2020\)](#), the process was deemed a mere formality and proved to be largely ineffective in curbing corruption. The accessibility of declarations to the public was restricted and the system lacked an enforcement mechanism as officials submitted hand-written declarations that were not verified. Consequently, holding public officials accountable was not considered a priority. However, following the Euromaidan protests, efforts to strengthen the country's anti-corruption architecture included introducing legislation (i.e. Law on Prevention of Corruption [LPC]) that supported a fully electronic and web-based system of asset and interest disclosure, and the establishment of a new institution (the National Agency on Corruption Prevention [NACP]) to oversee the implementation of the system.

[Cela \(2018\)](#) explains that the e-declaration system serves as a preventive measure against corruption, particularly concerning conflicts of interest. In addition, the system allows for online scrutiny of public officials' earnings and assets by citizens. The system is specifically designed to facilitate the investigation and exposure of corrupt practices by the NACP. Approximately, 1 million Ukrainian civil servants submit their declarations annually, enabling civil society to hold public officials accountable, and the NACP and law enforcement bodies to carry out investigations and legal proceedings against offenders. The system is mandatory for all public servants, politicians, judicial officials, military officials, managers of state and communal enterprises, as well as persons who are not public servants but render public services.

[Kotlyar and Pop \(2020\)](#) note that the initial launch of the system was not smooth as it experienced overloads during peak periods, and the NACP had insufficient capacity to advise declarants who were trying to submit their forms. However, the introduction of additional support such as guidelines, video aids and an online training course has made it easier for declarants to comply with disclosure requirements. Similar to Georgia's disclosure system, there was a recognition that an important part of implementing the new system in Ukraine entailed integrating it with external registers, such as the land, company, vehicle and tax database. This required inter-agency negotiations to take place to facilitate data exchange and address legal obstacles.

The implementation of Ukraine's electronic declaration system has resulted in the automatic verification of uploaded declarations, effectively reducing the time required for reviewing e-declarations. This system also identifies any inconsistencies or false information, thus enhancing its efficiency. As a result, civil society organizations such as Transparency International Ukraine have been able to actively participate in monitoring the wealth of public officials and ensuring their accountability. As the system's inception, criminal proceedings have been initiated against high-level public officials for making false disclosures. In 2021, the NACP uncovered erroneous data totalling more than UAH1.2bn (equivalent to approximately US\$318m) across more than 1,000 declarations. In addition, according to [Cela's \(2018\)](#) findings, a survey conducted in 2017 indicated that a majority of Ukrainians (72%) held a favourable or somewhat favourable view of the system and its consequential transparency. Conversely, civil servants who submitted their declarations in 2016 exhibited greater levels of endorsement for the system and its transparency, with 82% expressing support.

5.3 South Africa

5.3.1 Overview of corruption in South Africa. According to [Freedom House \(2023\)](#), the extensive prevalence of corruption and apparent intervention by business elites impeded the effective operation of the government, particularly during the tenure of President Jacob Zuma's administration (2009 to 2018). The Judicial Commission of Inquiry into State Capture implicated, among others, former President Zuma, ministers, politicians and several senior figures of government in wrongdoing and recommended that the government investigate and prosecute those who facilitated state capture. The highly controversial corruption scandal involving the Gupta family and their undue influence over the South African Government during the presidency of Jacob Zuma has had a profound impact on South Africa's political and economic landscape.

5.3.2 Asset declaration system context. The electronic Disclosure (eDisclosure) system is used by members of the senior management service (a leadership cohort in the South African public service) to disclose their financial interests. It replaced the paper-based disclosure system and has been in place since August 2016. In addition to the senior management service, other public officials required to declare include employees in supply chain and financial management units, members of the middle management service, ethics officers and officials in the Office of the Public Service Commission who verify financial disclosure forms of senior management service members.

According to the [Department of Public Service and Administration \(2024\)](#), the eDisclosure system offers several advantages, including its expeditious and user-friendly nature, requiring only a single registration, facilitating the identification and management of conflicts of interest and enabling the effortless generation of reports and statistics. At the end of the 2021/2022 financial year, the Public Service Commission received a total of 9,690 out of 9,899 (98%) disclosure forms by the deadline of 31 May 2021. The Commission's evaluation of financial disclosure forms centred on the degree to which SMS members adhered to the mandate of revealing their directorships in corporations and ownership of properties. A comparison was made between the disclosed data and the data obtained from the databases of the Deeds registry, national traffic information system and Companies and Intellectual Property Commission. The comparison revealed that there are some members of the SMS in both national and subnational government departments who failed to declare their interests in private and public companies, which contravenes Regulation 19 of the Public Service Regulations, 2016 ([Public Service Commission, 2022](#)).

South Africa's disclosure system targets certain categories of public officials and Members of Parliament. However, the system incorporates characteristics of a hybrid nature, whereby public access to declarations made by members of the senior management service is restricted, but open in the case of Members of Parliament. The register containing disclosures is accessible to the public on Parliament's website and requires Members of Parliament to disclose financial interests such as shares and other financial interests in companies. However, the register also contains a confidential section that is only accessible to a Committee Member, the Registrar and staff assigned to the Committee.

In 2018, the President of South Africa announced that lifestyle audits would be compulsory for all government employees. According to the South African [Department of Public Service and Administration \(2023\)](#), lifestyle audits were implemented as a means for heads of departments to assess the ethical and corruption risks within the public service. The eDisclosure system is used to validate the information provided during the lifestyle review, which is then used to ascertain whether an employee is living beyond their means and to identify any potential conflicts of interest that may indicate corrupt activities. If any inconsistencies are identified, a case is initiated with the South African Police Service for

further investigation, referred to as a lifestyle investigation. In the event that an employee is unable to provide a satisfactory explanation for the origin of their wealth, the expertise of an auditor is sought to aid in conducting a lifestyle audit.

Despite the introduction of the financial disclosure and lifestyle audit frameworks, some scholars (McIntyre and Aslett, 2023, Nkosingiphile, 2022) call for these measures to be supported by enhancing the legal framework and criminalizing acts of illicit enrichment. Arguably, South Africa's financial disclosure system has been effective in detecting anomalies in submitted declarations and compliance levels are generally high across national and subnational governments but challenges remain in holding declarants accountable for not disclosing or failing to submit financial disclosures on time. The mere presence of a disclosure system has not necessarily translated into lower levels of perceived or actual corruption within the public service.

6. Implications of study on policy and practice

The findings illustrate that electronic asset declaration systems have been developed to promote accountability and transparency within public administration. These systems establish mechanisms to monitor the wealth of public officials, thereby reducing instances of conflicts of interest. From a policy standpoint, the paper emphasizes that asset declaration systems prove to be effective when all relevant policy actors, including civil society, are involved in the design, implementation and monitoring processes. Georgia and Ukraine serve as noteworthy examples, showcasing successful practices in the collaborative development and implementation of electronic asset declaration systems. On the other hand, the operational effectiveness of Botswana's asset declaration system is impeded by limitations in capacity and resources faced by the implementing agency. Efforts to enhance capacity-building are necessary to address existing institutional gaps and combat corruption more effectively. Nonetheless, the efficacy and proficiency of Georgia's electronic declaration system are exemplified by the minimal workforce needed to collect, monitor and verify declarations.

As previously mentioned, the implementation of asset declaration systems faced opposition from politically influential individuals who raised concerns about data privacy and the potential for misuse or manipulation. However, the growing number of countries embracing these systems indicates a political determination to enhance the transparency and credibility of their public administrations. Considering the diminishing trust among Botswana and the heightened perception of corruption within state institutions, it can be argued that an electronically accessible declaration system that is open to the public could play a crucial role in rebuilding trust and fostering confidence in government institutions.

The government of Botswana acknowledges digital transformation as a catalyst for economic transformation. However, due to financial constraints, the state is obliged to prioritize its projects and initiatives as it looks to implement a digital transformation strategy. In addition, the costs of implementing an electronic asset declaration system vary depending on the complexity of the system but considering the detrimental impact of corruption on a country's development, it is worth assessing the cost-effectiveness of such systems. Finally, opportunities exist for civil society in Botswana to play a meaningful oversight role in contributing to the monitoring and verification aspects of the declaration system.

7. Conclusion and recommendations

In light of the rapid advances brought about by technology, traditional measures in response to fighting the scourge of corruption are at risk of becoming weak and ineffective.

The objective of this paper was to highlight the potential role that digitalization can play in strengthening Botswana's anti-corruption efforts. Declining levels of citizens' trust in Botswana's state institutions, coupled with increasing levels of perceptions of corruption amongst politicians and civil servants, underscores the need for policymakers in Botswana to assess the country's anti-corruption framework. Furthermore, low levels of compliance with the submission requirements of the DALA indicate that implementation gaps exist following the law's enactment in 2019.

The electronic disclosure systems in Georgia, Ukraine and South Africa were analysed to draw lessons that are useful to Botswana. Although Botswana is ranked higher than these countries on Transparency International's CPI, they have implemented fairly robust electronic disclosure systems that have been essential to their fight against corruption. Therefore, it is recommended that in addition to digitizing its disclosure framework for public officials, the Government of Botswana should consider making declarations publicly accessible to enhance the system's credibility. A system that adopts a hybrid model (e.g. Georgia and South Africa) may be useful in addressing concerns around threats to individual privacy while ensuring that transparency is not compromised and officials remain accountable. It is imperative that officers responsible for managing the proposed electronic disclosure system are adequately trained and that declarations submitted by public officials are verified by linking the disclosure system to other national databases. Moreover, the EID should be sufficiently resourced to ensure that dissemination and public outreach activities are carried out.

Furthermore, the country needs to enact a right to information act or freedom of information law if the objective of creating a digital economy and open government is to be realized. Similarly, the EID should publish disaggregated data on compliant and non-compliant declarations as well as the sanctions enforced on non-compliant declarants.

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