

# Preface

---

This book is the result of many influences and experiences. My interest in criminal law and evidence developed when I taught the subjects for many years at the University of Zambia and which led to a series of books and articles.<sup>1</sup> My interest in governance (both good and bad) was sparked by my teaching and research on constitutional and administrative law at the University of Zimbabwe and by having a home (which we still retain) in Zimbabwe, a country which over the years has provided and continues to provide me with much governance material: including a new Constitution of Zimbabwe 2013. Again, this led to a series of books and articles on constitutional and governance issues in Africa.<sup>2</sup>

The transnational dimension to the book largely stems from my time as Chief Mutual Legal Assistance Officer at the Commonwealth Secretariat with responsibilities that involved working with Commonwealth governments on mutual legal assistance, anti-money laundering and asset recovery issues. Subsequently I was also involved in the Commonwealth Secretariat/Commonwealth Legal Education Association project on the development of a model curriculum for law schools on international cooperation.

My work on corruption-related issues came with the recognition that these diverse interests form the basis for the good governance/anti-corruption strategies found in the African Union Convention on Preventing and Combating Corruption and the United Nations Convention Against Corruption. This interest was further enhanced by a discussion I had with Colin Nicholls QC. He and I were both attending the Commonwealth Law Ministers' Meeting held in Kingstown, St Vincent and the Grenadines and over a cup of coffee in a rather seedy restaurant down by the harbour we discussed the possibility of writing a book on corruption which would include an analysis of the main anti-corruption instruments

---

<sup>1</sup> For example, *Readings in Criminal Law and Penology* (with Muna Ndulo) 1994, Multimedia and *Law of Evidence in Zambia: Cases and Materials* (with Ndulo) 1991, James Currey Publishers, London.

<sup>2</sup> For example *Individual Freedoms and State Security in the African Context: A Case Study of Zimbabwe* 1993, Ohio University Press, Athens.

as well as dealing with the law and practice relating to corruption and the misuse of public office in the United Kingdom. We were very fortunate to recruit two further co-authors and the 'standard work' on the subject appeared in 2006 under the title *Corruption and Misuse of Public Office*.<sup>3</sup> The rapid development of the area together with the passing of the long-awaited Bribery Act in 2010 in the United Kingdom then led to the publication of the 2nd edition in 2011.<sup>4</sup>

Finally, in many ways this book is the natural successor to my 2004 co-authored work *Comparative Constitutionalism and Good Governance in the Commonwealth: An Eastern and Southern African Perspective*.<sup>5</sup> This focused particularly on the key constitutional issues that enable African states to develop and consolidate good governance. Much has happened since its publication and the current work not only builds on this but does so specifically in the context of combating corruption: something that was hardly reflected at all in the earlier book.

In writing this book I have benefitted immensely from discussions with my family, friends, colleagues and many former students (some of whom have now assumed high political or judicial office) both within Africa and beyond. Spending some time with my brother-in-law who is (at least at the time of writing) a senior government minister in a southern African state also helped me understand and appreciate the very real daily pressures placed upon himself and his wife by family, 'friends' and constituents all of whom have seemingly decided that it is 'their turn to feed'.<sup>6</sup>

I am particularly grateful to my postgraduate students at the School of Oriental and African Studies in London for all the insights and ideas I received over the years during my course Law and Governance in the Developing World. Virtually all of them were from developing countries or had significant experience of working in such countries and had a

---

<sup>3</sup> Colin Nicholls, Tim Daniel, Martin Polaine and John Hatchard *Corruption and Misuse of Public Office* 2006, Oxford University Press, Oxford.

<sup>4</sup> Colin Nicholls, Tim Daniel, Alan Bacarese and John Hatchard *Corruption and Misuse of Public Office* 2nd edition 2011, Oxford University Press, Oxford.

<sup>5</sup> Co-authored with Muna Ndulo and Peter Slinn, 2004, Cambridge University Press, Cambridge.

<sup>6</sup> Adapting the title of the excellent book by Michela Wrong *It's Our Turn to Eat: The Story of a Kenyan Whistle-Blower* 2009, Harper-Collins. It must also be said that as soon as his appointment was announced, my wife and I had numerous phone calls from relatives and friends, some whom we had not heard from for some years, all asking, directly or otherwise, for us to 'have a word with the Minister' about their future employment in the public service or other financial assistance.

desire and determination to combat 'bad' governance (which I spent much of the time discussing). It was during these discussions that the importance of developing an effective national and transnational response to bad governance/corruption was really highlighted. I gained further important insights from my postgraduate students at the University of Buckingham with whom I spend many happy hours discussing, in particular, how to launder the proceeds of crime effectively.

I am immensely grateful to colleagues at The Open University and University of Buckingham for all the support given to me during the writing of this book, some of whom have greatly assisted in acting as 'critical readers'.

The book has taken far longer to write than I ever imagined. It is of great credit to my publisher for being so patient and accepting with good grace my constant changes of date for submission of the manuscript.

My deepest thanks go to my lovely wife Trinh and our wonderful children Sam, Simbi and Shamiso for all their support and patience. I must admit that I was not always the best of company during the research and writing! My daughter, Shamiso, will be pleased to know that some of my ideas for the book have come whilst driving her hundreds of kilometres around the country to and from her golf tournaments. I doubt very much that this book will make the sort of money that interests her. However, I hope she will remember my 'taxi service' when she has made her millions of dollars from the professional golf tour!

John Hatchard  
1 July 2013