

National Anti-Corruption Strategy Discussion Document



REPUBLIC OF SOUTH AFRICA



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DISCUSSION DOCUMENT

Towards a National Anti-Corruption Strategy for South Africa

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recommendations made during the initial consultations in
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NACS Steering Committee members : Department of Cooperative Governance (DCoG)
Department of Public Service and Administration (DPSA)
Department of Planning, Monitoring and Evaluation (DPME)
Government Communication and Information System (GCIS)
Office of the Public Service Commission (PSC)
National Intelligence Coordinating Committee (NICOC)
South African Local Government Association (SALGA)
State Security Agency (SSA)

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Zusammenarbeit (GIZ¹)

Researched and compiled by : Public Affairs Research Institute

Distributed by : Government Communications (GCIS)
Private Bag X745, Pretoria, 0001
Street address: Tshedimosetso House
1035 cnr Frances Baard and Festival streets
Hatfield
PRETORIA

Tel: (012) 473 0000

Fax: (012) 325 2030

E-mail: marketing@gcis.gov.za

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GLOSSARY OF KEY TERMS USED IN THE DOCUMENT

Accountability: is understood as the acknowledgment and assumption of responsibility for actions and decisions, and being answerable to a person or group of people (such as Government being answerable to citizens, a firm being answerable to a regulator, a non-governmental organisation being answerable to donors).

Business sector: refers to private sector firms in the formal and informal sector, as well as organised business, including their employees and members of the Board.

Civil society sector: refers to non-governmental organisations outside the business sector, inclusive of organised labour, community-based organisations, religious bodies, social movements, the media, academia, professional bodies and non-profit organisations (NPOs).

Corruption: According to South Africa's Prevention and Combating of Corrupt Activities Act (PRECCA), Act 12 of 2004 corruption occurs when any person directly or indirectly accepts or offers (or agrees to offer or accept) any form of gratification (i.e. not necessarily monetary) that will either benefit themselves or another person. In terms of this legislation, corruption is defined as acts that involve an improper/corrupt exchange between two or more parties. In South Africa, as in many other countries, there is some debate about the definition of corruption. For the purposes of this document, the definition of corruption includes the acts defined as corrupt under the PRECCA, and is broadened slightly to include the concept of "abuse of entrusted power or authority for private gain" that does not have to involve more than one party (for example, theft of public monies where there is only one witting party to this theft).

Government or public sector: includes employees and elected and nominated officials in all three spheres of government (including those of state-owned and state-controlled entities).

Local government: includes employees of local municipalities, local government agencies and councillors.

Professionalise: refers to the orientation and skills set of employees. A professionalised sector is one in which its employees see their commitment first and foremost to the citizens of the country, according to the values and requirements of the Constitution of the Republic of South Africa and to implementing policies/services/products in the interest of social and economic transformation,

and not to private or party interests where these deviate from formal policy. Further, it incorporates a vision in which employees have the necessary skills and experience to undertake their work.

Provincial and national government: covers employees and executive authorities of national and provincial departments and entities.

Public service: refers to employees of national and provincial departments and entities as defined in the Public Service Act.

Transparency: refers to an organisation or individual operating and providing information in such a way that it is easy for others to see what actions are performed and to enable relevant groups of people to hold the organisation/sector/leader accountable for their actions, including whether due process has been followed.

Vulnerable sector or high-risk sector: refers to an area, sector and/or institution with a high risk or specific vulnerability to the manifestation of corrupt practices or activities. This extends to business/private industries or sectors (e.g. mining or construction), or institutions inclusive of organs of state (e.g. departments, institutions, state-owned entities or municipalities) or large-scale projects (e.g. infrastructure development) at risk of being targeted by actors or facilitators (both domestic or foreign) of corrupt practices, or that could be at risk due to their position or involvement in procurement or decision-making processes (e.g. regulatory or compliance monitoring functions, procurement, investigative, judicial) and/or that could place the development of the country or functioning of government systems at risk or make it vulnerable to exploitation.

LIST OF ABBREVIATIONS AND ACRONYMS

ACIMC	Anti-Corruption Inter-Ministerial Committee
ACTT	Anti-Corruption Task Team
AEPF	Anti-Intimidation and Ethical Practices Forum
AFU	Asset Forfeiture Unit
AGSA	Auditor-General of South Africa
ANC	African National Congress
AU	African Union
BAC	Business against Crime
B-BBEE	Broad-Based Black Economic Empowerment
BEE	Black Economic Empowerment
BUSA	Business Unity South Africa
CEO	Chief Executive Officer
CPI	Corruption Perceptions Index
DBE	Department of Basic Education
DCoG	Department of Cooperative Governance
DPCI	Directorate of Priority Crime Investigation
DPLG	Department of Provincial and Local Government
DPME	Department of Planning, Monitoring and Evaluation
DPSA	Department of Public Service and Administration
DTI	Department of Trade and Industry
EA	Executive Authority
EthicsSA	Ethics Institute of South Africa
FATF	Financial Action Task Force
FIC	Financial Intelligence Centre
GCIS	Government Communication and Information System
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HR	Human Resource Management
HSRC	Human Sciences Research Council
IGI	Inspector-General of Intelligence
IPID	Independent Police Investigative Directorate
JCPS	Justice Crime Prevention and Security Cluster
MEC	Member of the Executive Committee
MFMA	Municipal Finance Management Act
MPAT	Management Performance Assessment Tool
MPS	Municipal Police Services
MTSF	Medium Term Strategic Framework

NACF	National Anti-Corruption Forum
NACS	National Anti-Corruption Strategy
NDP	National Development Plan
NEOF	National Ethics Officers Forum
NICOC	National Intelligence Coordinating Committee
NPA	National Prosecuting Authority
NPC	National Planning Commission
NGO	Non-governmental organisation
OCPO	Office of the Chief Procurement Officer
OECD	Organisation for Economic Cooperation and Development
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PARI	Public Affairs Research Institute
PFMA	Public Finance Management Act
PRECCA	Prevention and Combating of Corrupt Activities Act
PSC	Public Service Commission
RSA	Republic of South Africa
SADC	Southern African Development Community
SALGA	South African Local Government Association
SANDF	South African National Defence Force
SAPS	South African Police Service
SARS	South African Revenue Service
SCM	Supply chain management
SCOPA	Parliament's Standing Committee on Public Accounts
SIU	Special Investigating Unit
SMS	Senior Management Service
SOE	State-owned enterprise / state-owned entity
SSA	State Security Agency
TAU	Technical Assistance Unit (of the National Treasury)
UNCAC	United Nations Convention against Corruption
TAU	Technical Assistance Unit (of the National Treasury)
UNCAC	United Nations Convention against Corruption

INTRODUCTION

The Government's commitment to reduce corruption in South Africa is articulated in the Medium Term Strategic Framework (MTSF) 2014–2019, the National Development Plan (NDP), and the National Security Strategy (NSS). The MTSF 2014-2019 requires the development of a National Anti-Corruption Strategy (NACS) and a supporting implementation plan.

This document outlines proposals for a National Anti-Corruption Strategy. As noted in the National Development Plan, tackling corruption involves commitments from all members and sectors of society. A national strategy should serve as a guide for developing a set of shared commitments across sectors, to support collaboration within and between sectors, and to direct renewed energy towards the goal of reducing corruption and building an ethical society.

The document is divided into two parts:

- *Part A provides background to the development of the strategy: it outlines the process followed up until now to develop proposals for a national strategy. It details a roadmap that will ensure that the process for developing the final strategy is inclusive and transparent, and developed with substantial contributions of leaders from government, business and civil society. Part A concludes with a summary of the challenges facing the country: the current manifestations of corruption in South Africa; the foundations on which further anti-corruption efforts can be built; and the issues the strategy should aim to tackle.*
- *Part B outlines proposals for inclusion in a strategy: outlining a vision, objectives, strategic pillars and programmes for the strategy.*

PART A: Background

1. Process for developing proposals for the strategy

The proposals for a National Anti-Corruption Strategy contained in this document are based on:

- *A thorough situational review of corruption and anti-corruption initiatives to date².*
- *Consultations undertaken with stakeholders in government, business, civil society and academia.*
- *The scrutiny of relevant national policy that articulates government commitments and plans for reducing corruption, such as the National Development Plan; the Medium Term Strategic Framework (2014-2019); and documents outlining the programmes of the Anti-Corruption Task Team (ACTT) and the National Anti-Corruption Forum (NACF).*
- *Readings of international guides for developing anticorruption strategies, including the United Nations document, 'National Anti-Corruption Strategies: A Practical Guide for Development and Implementation' (2014).*
- *Academic literature in the area of institutional change, corruption and related fields.*

2. Next steps: Roadmap for developing a final strategy

A roadmap outlining the process for developing a final National Anti-Corruption Strategy is proposed. Appendix A of this document contains more details in this regard.

The roadmap was developed to meet the following goals:

- *Achieve a "whole of government and society" approach in the fight against corruption.*
- *Be open, transparent and inclusive of all sectors of South African society.*
- *Arrive at a robust National Anti-Corruption Strategy that has buy-in from Government, business and civil society.*
- *Foster ownership of the process and the resulting National Anti-Corruption Strategy by all sectors.*

3. Policy context

The Constitution of the Republic of South Africa, Act 108 of 1996 (the Constitution) and a range of statutory provisions and specific legislation provide the broad framework and founding principles for anti-corruption work in South Africa.

² A summary of the review is contained in this document. The full review is covered in the document, 'Diagnostic Review and Situational Analysis: Corruption and Anti-Corruption Initiatives in South Africa', May 2016.

Recognition of the rule of law, and the accountability and transparency of Government, are founding principles of the Constitution, which also provides for the establishment of oversight bodies that play a role in supporting accountability and transparency of the public and private sectors. Various pieces of legislation have been developed to give greater legal effect to the principles of accountability and transparency contained in the Constitution.

The King Code³ of Governance Principles in South Africa has relevance for reducing corrupt practices by members of the private sector and state-owned as well as state-controlled entities, as does Business Unity South Africa's Code of Good Corporate Citizenship.

Recommendations for reducing corruption in the private sector, as provided by the Organisation for Economic Cooperation and Development, have been incorporated into Regulation 43 of the South African Companies Act, Act 71 of 2008.

South Africa is a signatory to various international conventions and treaties that commit the country to implementing a range of interventions aimed at reducing corruption. These conventions include the United National Convention Against Corruption (2003), the Organisation for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the African Union Convention on Preventing and Combating Corruption (2003), the Southern African Development Community Protocol against Corruption (2001), and the United Nations Convention against Transnational Organised Crime (2000) and its associated Protocols. Further, South Africa is an active participant in relevant intergovernmental bodies and forums, such as the Group of 20's (G20's) Anti-Corruption Working Group and the Financial Action Task Force (FATF), and is implementing various FATF recommendations.

Policy proposals for reducing corruption and improving accountability and transparency of the public and private sectors are articulated in the National Development Plan. The National Development Plan contains proposals for building a resilient anti-corruption system through strengthening the protection of whistle-blowers; developing greater central oversight over the awarding of large tenders or tenders with long duration; and empowering the tender compliance monitoring office (now the Chief Procurement Officer) to investigate corruption and the monetary value of tenders. It also outlines proposals for strengthening the accountability and responsibility of public servants as well as judicial governance and the rule of law.

³ The King Committee on Corporate Governance has already issued four King Reports that provide guidelines for the governance structures and operation of companies in South Africa, setting out what ethical and effective leadership entails. The reports are referred to as: King I (issued in 1994), King II (issued in 2002), King III (issued in 2009) and the most recent revision King IV (issued in 2016).

Improved resources for a revitalised National Anti-Corruption Forum are also recommended, as well as calls for commitments by the various sectors to ensure that the Forum is effective. Several National Development Plan recommendations on building the capacity of the State are also relevant for anti-corruption initiatives, including proposals regarding the professionalisation of the public service; strengthening delegation, accountability and oversight in the public sector; and improving governance of state-owned and state-controlled entities.

Government outlined several goals and indicators with relevance to reducing corruption in the latest Medium Term Strategic Framework (2014-2019). A number of these priorities are drawn directly from the National Development Plan:

- *Under the outcome, “All South Africans are, and feel, safe” the strategy targets “an improvement in South Africa’s ranking on the Transparency International Corruption Perception Index”; and notes that Government will prioritise “coordinated initiatives to make the criminal justice system more efficient and effective”. Government further commits to improving conviction rates for serious corruption cases. The strategy also noted that revisions are needed for legislation “to provide for more stringent penalties [for corruption-related crimes], to protect whistle-blowers including those in the private sector, and to strengthen the independence of anti-corruption agencies to insulate them from political pressure”.*
- *Under the outcome, “Responsive, accountable, effective and efficient local government”, the strategy notes a decline in public trust in municipalities owing to “weak leadership or political interference in operations, vacancies in critical posts, poor financial management, lack of transparency and accountability, and weak and ineffective platforms for public participation and communication with communities”. It aims to promote citizen participation in local government processes and to improve skills development and capacity building, focusing on improving “the quality of municipal administrative and management practices including human resources and recruitment practices, supply chain and financial management, and anti-corruption initiatives”.*
- *Under the outcome, “An efficient, effective and development-oriented public service”, the strategy sets goals for “institutionalising long-term planning, forging a disciplined, people-centred and professional public service, [and] empowering citizens to play a greater role in development and building an ethical public service”. The document outlines a central role for the Chief Procurement Officer in strengthening oversight of procurement processes and pricing to ensure “cost-effectiveness and transparency, better value for money, and adherence to procedures and fairness”. It also notes that, “as part of steps to promote an*

ethical public service, measures will be introduced to prevent public servants from doing business with the state, as set out in the election manifesto. These will be supported by improved implementation of the Financial Disclosure Framework, strengthened protection of whistle-blowers, and the provision of technical assistance to departments for the effective management of discipline.”

4. Role players and stakeholders

Politicians are elected representatives to champion the interests of the public. They are obliged to uphold the Constitution, especially the principles of transparency and accountability. Their contribution towards the development of a National Anti-Corruption Strategy is therefore both necessary and critical.

The Anti-Corruption Inter-Ministerial Committee (ACIMC) was established in June 2014 and is mandated to coordinate and oversee the work of state organs aimed at combating corruption in the public and private sectors. The Committee is convened and chaired by the Minister for Planning, Monitoring and Evaluation in the Presidency, and comprises the Ministers of Justice and Correctional Services, State Security, Police, Cooperative Governance and Traditional Affairs, Public Service and Administration, Finance, Home Affairs and Social Development. The Committee also provides strategic direction for the operational activities of the multi-agency Anti-Corruption Task Team.⁴

In 2014 the Anti-Corruption Inter-Ministerial Committee expanded the role of the Anti-Corruption Task Team, which is the central body mandated to give effect to Government’s anti-corruption agenda. Guided by the Anti-Corruption Inter-Ministerial Committee and Anti-Corruption Task Team Executive Committee, this collective of government stakeholders is mandated to implement Government’s anti-corruption agenda and programmes. The task team currently consists of representatives from the National Prosecuting Authority, the Asset Forfeiture Unit, the Directorate for Priority Crime Investigation (“Hawks”) in the South African Police Service, the Special Investigating Unit, the South African Revenue Service, the Office of the Accountant-General and the Chief Procurement Officer in the National Treasury, the Financial Intelligence Centre, the National Intelligence Coordinating Committee, the State Security Agency, the Presidency, the Department of Justice and Constitutional Development, the Department of Public Service and Administration, and the Government Communication and Information System.

⁴ In July 2010 the Justice, Crime Prevention and Security Cluster was tasked with the establishment of a task team to fast-track investigations and prosecution. The Anti-Corruption Task Team was formed in October 2010 to give effect to this, aimed at a multi-disciplinary and integrated operational approach based on the mandate of the South African Police Service Directorate for Priority Crime Investigation.

Other government organisations playing a role in the anti-corruption landscape include the Auditor-General of South Africa (Auditor-General) and the Department of Cooperative Governance, in the case of local government. These departments work with the Anti-Corruption Task Team on specific programmes.

Important oversight bodies include the Public Service Commission (mandated to provide oversight of the public service); the Public Protector (investigating and redressing maladministration and abuse of power in state affairs); the Independent Police Investigative Directorate (mandated to provide oversight of policing); the Inspector-General of Intelligence (oversight of intelligence services); and committees tasked with executive and government oversight in Parliament, the provincial legislatures and local government councils.

The Competition Commission plays a role in combating corruption through its work in investigating and regulating against private sector collusion: certain collusive practices are defined as corrupt in terms of the Prevention and Combating of Corrupt Activities Act.

The National Anti-Corruption Forum, a coalition formed by the public, business and civil society sectors, was established in 2001 with the aim of driving the national anti-corruption campaign. Its mandate is to contribute towards the establishment of a national consensus through the coordination of sectoral strategies against corruption, to advise Government on the implementation of strategies to combat corruption, to share information and good practice on sectoral anti-corruption work and to advise sectors on the improvement of sectoral anti-corruption strategies. It comprises various representatives of Government, the civil society sector, including trade unions, and the business sector.

Several bodies in the business sector have been active in anti-corruption work. These include those representing organised business, professional associations, and networks and forums set up to undertake anti-corruption work in the sector, or in partnership with Government to address corruption as it manifests more broadly in society.

A number of other civil society organisations play a role in monitoring the use or abuse of state resources, transparency and access to information, governance of organisations and instances of possible illegal activity. Some of these organisations also run campaigns to raise awareness of the damaging effects of engaging in corrupt activity. Corruption Watch was established in 2012 with the sole purpose of fighting corruption and is the accredited chapter of Transparency International

al in South Africa. Corruption Watch fights corruption through public mobilisation, litigation, investigations and research. The media are also important players in exposing corruption, and potential partners in anti-corruption campaigns. Trade unions are well placed to monitor and report corruption in the organisations and business sectors in which they are active. The members of trade unions have an especially important role in blowing the whistle on corruption, both in organisations in which they represent workers, as well as in the respective workplaces, and the unions have a crucial role in supporting efforts to build whistle-blower protection programmes. The unions are potentially valuable partners in national efforts to prevent corruption and in future anti-corruption campaigns.

Civil society and non-governmental organisations feature prominently in the detection of, and reporting on corruption as it manifests in the broader society. They also play a key role in educating and representing particular constituents and remain a powerful mechanism to promote positive behaviour. Some of these organisations and emerging social movements are vital in mobilising people around rights (such as access to information) and demanding transparency and accountability for organs of state. Corruption however also manifests within this sector, given that many people who work in the sector are economically vulnerable, making it difficult for them to blow the whistle on corruption in their own sectors. In addition to the promotion of general reporting of corruption by citizens and their empowerment to do this, leaders in the civil society sector can play a key role to support greater integrity within the sector itself by subjecting themselves to the same stringent standards demanded from both business and the public sector.

Lastly, the individual South African citizen's awareness and participation, either through joining public campaigns or blowing the whistle on suspected cases of corruption, are crucial in national anti-corruption efforts. To play this role, ordinary members of the public should be able to recognise corrupt behaviour and feel empowered to take a stand against it, for example, by bringing it to the attention of the relevant authorities. Whistle-blowing should be promoted and encouraged by publicising stories of successful prosecutions as a result of information provided by whistle-blowers, as well as reporting on the effective protection of such persons from any form of harm or victimisation. Further, the citizenry can provide pressure for improved accountability and transparency in various sectors in South Africa. The proposed National Anti-Corruption Strategy should empower more citizens to play an active role in reducing corruption.

5. Challenge

Corruption undermines the values of the Constitution and progress towards greater social and economic transformation as well as democratic processes. It not only results in the loss of state revenue for economic and social development and service delivery, but also erodes the capacity and legitimacy of the State.

Under National Party rule, a form of capitalism developed that blurred the boundaries between party, private capital and the State. A report commissioned by the National Anti-Corruption Forum details examples of entrenched corruption that was observed and prevalent under the previous dispensation.⁵ Academics have described patronage⁶ in the appointment of people to the public sector⁷ and in the development of white, and in particular Afrikaner, capital.⁸ Furthermore, parts of the homeland administrations were ruled through patrimonial networks that extended from the central apartheid state to local chiefs and public servants.⁹ By the late 1970s and 1980s, as the apartheid state unravelled, fraud, theft and other corrupt activity appear to have grown in the top echelons of the State.¹⁰ The state security agencies and police were particularly implicated in corruption, and the climate was ideal for these abuses given the levels of secrecy under which they operated.¹¹ Some of the institutional legacies of this past have interacted with contemporary politics and changes to the structure of society and the state bureaucracy to shape the nature of corruption in South Africa today.

Corruption is usually a hidden phenomenon and attempts to determine its current prevalence are therefore difficult. However, research on perceptions of corruption, experiences of corruption and related crimes, and compliance with legislation aimed at improving accountability and reducing corruption can provide an indication of the nature of the problem to be tackled.

Assessments of public perceptions over the last 15 years show that citizens feel that corruption has increased. Although a rough indicator of corruption in the country, these perceptions are important pointers in terms of the level of trust between the State and citizens. A report issued by the Human Sciences Research Council that used data from the South African Social Attitudes Survey indicated that the vast majority of those surveyed in 2011 (91%) believe that corruption is a serious problem in South Africa.

⁵ Van Vuuren, H. 2006. 'Apartheid grand corruption: assessing the scale of crimes of profit in South Africa from 1976 to 1994'. Institute of Security Studies, Pretoria, commissioned by the civil society representatives of the Second National Anti-Corruption Summit.

⁶ Patronage is generally accepted to mean the power to control appointments to office or the right to privileges, but is also used in this context as synonymous with favouritism, nepotism, partisanship, partiality, preferential treatment and "the old boy network".

⁷ Posel, D. 1999. 'Whiteness and Power in the South African Civil Service: Paradoxes of the Apartheid State.' In *Journal of Southern African Studies* 25 (1): 99–119.

⁸ O'Meara, D. 1996. *Forty Lost Years: The Apartheid State and the Politics of the National Party, 1948-1994*. Randburg: Ravan Press.

⁹ Peires, J.B. 1992. 'The Implosion of the Transkei and Ciskei.' In *African Affairs*, 91: 365–87'.

¹⁰ Hyslop, J. 2005. 'Political Corruption: Before and after Apartheid'. In *Journal of Southern African Studies*, 31(4): 773–789.

¹¹ Van Vuuren, 'Apartheid grand corruption: assessing the scale of crimes of profit in South Africa from 1976 to 1994'.

In 2003, 9% of respondents put corruption in the top three most serious national challenges, which increased to 26% in 2011.¹² In the latest Afrobarometer survey, undertaken in 2015, 64% of the respondents stated that they felt that corruption had increased significantly over the last year, and 19% felt that it had increased slightly.¹³

Transparency International's 2015 global Corruptions Perception Index currently scores South Africa at 44, down from the past high of 51 in 2007. (A score of 0 means a country is considered "very corrupt", and a score of 100 means a country is considered "very clean".) South Africa's ranking compared to other countries in terms of the Corruption Perception Index has also deteriorated, dropping 29 places in the global perceptions ranking since 2001. (The higher the ranking of a country, the "cleaner" it is considered to be.)¹⁴

A range of surveys, among others the National Victims of Crime Survey, Human Sciences Research Council's Quality of Life Survey (2012), the Afrobarometer and Transparency International's research, suggest that instances of bribery are fairly common in some services in which the public interfaces with government officials. This is the case in traffic policing and, to a lesser extent, in home affairs, local government and policing.¹⁵

In policing, corruption more generally, i.e. not just bribery but also theft, fraud and other forms of corruption, has been described as systemic¹⁶, limiting the State's ability to tackle it and other forms of crime. Immigration and border control are also particularly vulnerable to corruption. Citizens' experience of these services or sectors is of central importance in shaping public perceptions of corruption in South African society more generally.

The South African Government has developed several strategies, campaigns and frameworks to specifically reduce corruption and support ethical practice in the public sector. These include the National Crime Prevention Strategy, 1996; the Batho Pele programme, aimed at supporting an ethical and citizen-orientated public service that was first developed in 1997 and relaunched under a dedicated campaign in 2004; the Public Service Anti-Corruption Strategy, 2002, and mechanisms resulting from the strategy, such as the development of guidelines for minimum

¹² Human Sciences Research Council (HSRC). 2012. 'Business Unusual: Perceptions of Corruption in South Africa' In HSRC Review, Vol 10 (2), Human Sciences Research Council, Pretoria.

¹³ Afrobarometer. 2016. 'Summary of Results. Round 6 Survey in South Africa.' Available at www.afrobarometer.org

¹⁴ "The Corruption Perceptions Index (CPI) ranks countries and territories based on how corrupt their public sector is perceived to be. It is a composite index – a combination of polls – drawing on corruption-related data collected by a variety of reputable institutions. The CPI reflects the views of observers from around the world, including experts living and working in the countries and territories evaluated." Source: http://www.transparency.org/cpi2013/in_detail#myAnchor2 (accessed May 2016).

¹⁵ See Transparency International. 2015. 'Exporting Corruption: Assessing Enforcement of the OECD Convention on Combating Foreign Bribery', results per country posted on the Transparency International website: http://www.transparency.org/exporting_corruption (accessed April 2016); HSRC, 'Business Unusual: Perceptions of Corruption in South Africa.'; Afrobarometer, 'Summary of Results. Round 6 Survey in South Africa.'; National Victims of Crime Survey, cited in Bruce, D. 2014. 'Counting the covert: Using data to understand corruption in South Africa.' ISS Monograph No. 198, Institute of Security Studies, Pretoria.

¹⁶ Newham, G. and Faull, A. 2011. 'Protector or predator? Tackling police corruption in South Africa.' ISS Monograph, Institute of Security Studies, Pretoria.

anti-corruption capacity in public service departments and entities; the development of the Financial Disclosure Framework for managers in the public service; the development of a Public Service Integrity Management Framework; and the Local Government Anti-Corruption Strategy, which was approved in May 2016. Further, some provinces, municipalities and public sector organisations have developed their own anti-corruption strategies.

The Public Service Anti-Corruption Strategy (PSACS) was particularly important for bolstering the legislative framework to fight corruption, and establishing policies, norms and guidelines for supporting anti-corruption and integrity management work in the public service. The PSACS proposed a review of the legislative framework surrounding corruption, and the consolidation of this framework into a new corruption act. The PSACS also suggested that departments foster a minimum capacity to fight corruption, and pointed to the need for mechanisms to coordinate the numerous government entities involved in anti-corruption initiatives. The PSACS called for the improvement of management policies and practices related to areas such as the management of employment, discipline, procurement, risk, information and finances; the establishment of a comprehensive system of professional ethics; as well as greater stakeholder participation. It also suggested that these initiatives should all be underpinned by training and education programmes.

South Africa has developed a fairly comprehensive legislative framework for combating corruption, ranging from the Prevention and Combating of Corrupt Activities Act, through other legislation dealing with financial and organised crime, public finance management and procurement legislation, to legislation promoting the public's access to information held by the public and private sectors. As mentioned previously, South Africa is also a signatory to several international conventions and treaties. However, the implementation or enforcement of some of these obligations and aligned legislation remains uneven and, in some cases, weak.

A generally clear set of rules and values has been articulated for guiding the conduct of public servants and members of the executive. Despite many public servants and politicians being committed to serving the public, compliance with these regulations and codes has been generally weak. This is especially the case in supply chain, human resource management and in compliance with frameworks for disclosing business and other financial interests.¹⁷ An environment of non-compliance enables corruption and makes it hard to detect.

¹⁷ See Auditor-General of South Africa (AGSA) consolidated reports on the PFMA and MFMA for the years 2012–2015; and PSC reports in the case of the public service: 2011. 'Report on Financial Misconduct for the 2009/2010 Financial Year' (2011); 'Fact Sheet on Actions Taken by the Executive Authorities with regard to Identified Cases of Potential Conflicts of Interests and Compliance with the Financial Disclosure Framework' (2013); 'Factsheet on Financial Misconduct and the Recovery of Money Lost through Financial Misconduct for the 2013/2014 Financial Year' (2015); 'Assessment of the Handling of Disciplinary Cases in the Public Service' (2016).

In national, provincial and local government, the Auditor-General findings show rising irregular expenditure (despite an improvement in the number of clean audits) in local government and the public service.¹⁸ Between 2009 and 2013, 75% of the total irregular and wasteful expenditure was attributed to the contravention of supply chain management regulations.¹⁹ Public procurement is a significant area of potential risk for corruption by public and private sector players in South Africa.

Private sector involvement in corruption remains a concern with many companies still failing to report corrupt activity as a result of the stigma attached to admitting control and governance failures. Corruption in state procurement usually implicates both public and business sector players. Private sector involvement in corruption has taken the form of bribery, locally and in business dealings with other African countries, and fraud in procuring with the State. In addition, the Competition Commission has uncovered practices of collusion in tendering with the State. Another business practice that remains particularly problematic is “fronting” or the deliberate or attempted circumvention of the B-BBEE Act, Act 53 of 2003 and the related codes.

Data on the integrity and compliance with relevant legislation in state-owned entities remains scanty. Scandals in several large state-owned entities around board and management instability, and procurement and appointment irregularities, are however a cause for concern, especially in view of the substantial procurement budget of these entities. The Presidential Review Committee on state-owned entities cited the African National Congress’s Committee on Schedule 2 state-owned entities that rising corruption is a problem facing these companies.²⁰

Regulations and codes preventing elected officials from doing business with the State, and regulating the conditions under which family members of elected officials can do business with the State, are not being adhered to in many cases. Further, public servants and local government employees are not facing appropriate (legislated) sanction for non-compliance. On average, the executive has not ensured compliance with these frameworks and regulations in the public,²¹ and oversight structures in municipal councils are not always working effectively. Further, monitoring of compliance in the government sector has relied heavily on self-reporting, but has not sufficiently included citizens. Self-reporting has thus far not led to improved compliance, and consideration should be given to improving processes for feedback on corruption to the public, for example interaction and feedback to the community and other interested groups as proposed in the revised Local Government Anti-Corruption Strategy.

¹⁸ See Auditor-General of South Africa (AGSA) consolidated reports on the PFMA and MFMA for the years 2012 to 2015.

¹⁹ Based on Auditor-General reports 2009 to 2013, in Brunette, R. et al. 2014. ‘The Contract State: Outsourcing and Decentralisation in Contemporary South Africa’. Public Affairs Research Institute, Johannesburg.

²⁰ Presidential Review Committee on State-Owned Enterprises. 2012. Presidential Review Committee on State-Owned Enterprises: Main Report, Volume 2. The Presidency, Pretoria.

²¹ Public Service Commission (PSC). 2013. ‘Fact Sheet on Actions Taken by the Executive Authorities with regard to Identified Cases of Potential Conflicts of Interests and Compliance with the Financial Disclosure Framework.’ PSC, Pretoria.

The recent release of the African Union and the United Nations Economic Commission for Africa report on illicit financial flows from Africa, and the release of the “Panama Papers” by the International Consortium of Investigative Journalists, provide some insight into the extent of monies flowing illegally across borders linked to tax evasion, bribery, illegal arms dealing and financial fraud involving politicians, state officials, business people and corporates.²² South Africa is ranked seventh in the world in terms of the volume of illicit financial flows from developing and middle-income countries. This figure is based on the highest average illicit financial flows²³ between 2003 and 2014, which was \$20,922 billion.²⁴ The African Union report notes that, “Transparency of ownership and control of companies, partnerships, trusts and other legal entities that can hold assets and open bank accounts is critical to the ability to determine where illicit funds are moving and who is moving them.”²⁵ In this regard, at the recent Open Government Partnership Africa Regional Meeting in Cape Town, the South African Government announced an action plan that includes commitments to compile a register of beneficial ownership of all companies in the country.²⁶

The National Development Plan has noted that the implementation of the Promotion of Access to Information Act 2 of 2000 and the Promotion of Administrative Justice Act 3 of 2000 needs to be improved. Currently, the state of recordkeeping in several government departments and municipalities is poor²⁷, which affects citizens’ right to access information and departments’ capacity to support the Promotion of Access to Information Act, Act 2 of 2000 and Administrative Justice Act, Act 3 of 2000.

Improved institutional mechanisms to support whistle-blowers are also needed. As outlined by various reports produced under the United National Convention Against Corruption, providing this protection requires a range of interventions, such as improved systems to provide for appropriate legal aid for whistle-blowers, ensuring that whistle-blowers can report anonymously to the extent possible and that their identities and the information they provide are recorded, stored and used in such a way that this does not unnecessarily increase the risk of harm to the whistle-blower and so forth.

Further efforts are also required to engage and empower more citizens in the fight against corruption, through for example awareness-raising campaigns, national debates on the nature of

²² See African Union and the United Nations Economic Commission for Africa. 2015. ‘Illicit Financial Flow: Report of the High Level Panel on Illicit Financial Flows from Africa.’ African Union and the United Nations Economic Commission for Africa Conference of Ministers of Finance, Planning and Economic Development; and the Panama Papers website. The Panama Papers refers to the analysis and presentation of leaked data from the Panama-based law firm Mossack Fonseca. See: <https://panamapapers.icij.org/video/> (accessed April 2016).

²³ Illegal movement of money or capital from one country to another.

²⁴ Global Financial Integrity. 2016. Data on the Global Financial Integrity website: <http://www.gfintegrity.org/report/illicit-financial-flows-from-developing-countries-2004-2013/> (accessed April 2016).

²⁵ African Union et al, ‘Illicit Financial Flow: Report of the High Level Panel on Illicit Financial Flows from Africa.’

²⁶ Economic Justice Network, Financial Transparency Coalition, and the Tax Justice Network. 2016. ‘A month after Panama Papers, South Africa commits to end anonymous companies.’ Joint press release, 6 May 2016.

²⁷ Archival Platform. 2015. State of the Archives: An Analysis of South Africa’s National Archival System. Archival Platform, Cape Town.

corruption, its effects on society and the kinds of pressures and institutional factors that enable corruption. Campaigns which provide people with information on their rights in terms of accessing services are also needed: if citizens have good information about the functioning of a particular administrative process, and the rights they have in terms of the expected conduct of a public servant or private sector service provider, they are in a better position to resist requests for bribes, and in a better position to blow the whistle on possible cases of corruption.

Regarding enforcement of legislation regulating the business sector, large companies follow the King Code. The first two iterations of the code applied to listed companies and government departments at national, provincial and local levels; the third has been developed so that civil society can incorporate these governance codes into the management of their organisations. King IV was launched in 2016. The King Code is not adequately enforced through domestic legislation, though legislation such as the Companies Act now incorporates some of the aspects covered in the Code.

This has to some degree assisted in improving the transparency of private sector activity. However, notwithstanding the obligation to report corruption and various other offences in terms of the Prevention and Combating of Corrupt Activities Act, many companies still fail to report corrupt activity as a result of the stigma attached to admitting control and governance failures. Furthermore, initiatives are needed to bring unlisted and smaller companies into the national dialogue on corruption.

The Prevention and Combating of Corrupt Activities Act has thus far been insufficiently used to prosecute cases of corruption. Law-enforcement agencies prefer to investigate and prosecute potentially corrupt activities through the use of legislation pertaining to other financial crimes or common law offences such as fraud, than to investigate or prepare cases based on offences listed under the Corrupt Activities Act.²⁸ This appears to be due to the lack of police training on how to develop cases for prosecution under the Act, and the need for training on the Act in the courts, and due to difficulties in proving that bribery took place. Significantly, the enforcement of the Act, and other acts dealing with financial and organised crime, are affected by the capacity of the criminal justice system and relevant oversight bodies.

Some oversight bodies have developed a public reputation of independence, integrity and capacity, including the Auditor-General, the Financial Intelligence Centre, and the Public Protector.

²⁸ Newham, G. 2016. Interview with Gareth Newham, Institute of Security Studies, 7 April 2016.

The Specialised Commercial Crimes Courts have achieved success in prosecuting corruption, the Asset Forfeiture Unit has been successful in seizing assets, and the Special Investigating Unit has successfully pursued cases of corruption.

A central issue of concern raised by civil society organisations and the National Development Plan is that the independence of the criminal justice agencies tasked with investigating and prosecuting corruption has not been effectively maintained.²⁹ A 2011 Constitutional Court ruling found that the State has a constitutional obligation to establish and maintain an independent body to combat corruption and organised crime, and that the Directorate for Priority Crime Investigation lacked this structural and operational independence.³⁰ This was reaffirmed in a Constitutional Court ruling in 2014.³¹ Effective independence is needed to improve the appetite for pursuing senior politicians, officials and business people, and to build public confidence in Government's commitment to reduce corruption, as well as to strengthen the rule of law in the country.

South Africa's anti-corruption system requires adequate safeguards of independence, and adequate resourcing in the form of sufficient budget and the appropriately trained and experienced staff. Furthermore, improved coordination between the various government agencies tasked with reducing corruption and supporting ethical practice is needed. Specifically, mechanisms are required to ensure that representatives of the various bodies on the Anti-Corruption Task Team do not prioritise their own agency work over cross-agency collaboration.

There are also real challenges to collaboration and information-sharing across the government, business and civil society sectors. The National Anti-Corruption Forum (NACF) is no longer meaningfully active, limiting cross-sectoral collaboration in developing anti-corruption mechanisms. Intersectoral collaboration is crucial and proper planning to revitalise this or to constitute a similar intersectoral platform should ensure sufficient institutional capacity and resources (permanent staff and adequate budget / sectoral contributions) are available to enable meaningful implementation of intersectoral anti-corruption programmes. Given the intersectoral nature of such an organisation, it can play a significant role in the promotion and implementation of a national strategy.

²⁹ National Planning Commission. 2016. 'The National Development Plan'; Tamukamoyo, H, and Mofana, R. 2013. 'Is South Africa really complying with the anti-corruption protocols it has ratified?'. In ISS Today, 9 July 2013, Institute for Security Studies, Pretoria; Corruption Watch. 2015. 'Hawks saga: the feather continue to fly', published on Corruption Watch's website on the 15 January 2015: <http://www.corruptionwatch.org.za/hawks-saga-feathers-continue-to-fly/> (accessed April 2016); Newham, G. 2016. Interview with Gareth Newham, Institute of Security Studies, 7 April 2016; De Vos, P. 2015. 'Turmoil at the Hawks: A birds eye view of the legalities', published online on the Daily Maverick, 8 January 2015: <http://www.dailymaverick.co.za/opinionista/2015-01-08-turmoil-at-the-hawks-a-birds-eye-view-of-the-legalities/#.Vw0Mc-mKh68> (accessed April 2016).

³⁰ Constitutional Court of South Africa. 2011. 'Case CCT 48/10 [2011] ZACC 6'. Constitutional Court of South Africa, Johannesburg.

³¹ Constitutional Court of South Africa. 2014. Press release in respect of case CCT 07/14 and CCT 09/14, posted on the Southern African Legal Information Institute: <http://www.saflii.org/za/cases/ZACC/2014/32media.pdf> (accessed May 2016).

Outside of the conduct of officials and employees in their organisational settings across various sectors, improved adherence to certain laws by the public would reduce the room for corruption. For example, greater compliance with traffic laws by the public potentially provides fewer opportunities for traffic officers to solicit bribes. Conversely, ensuring that the rules of the road are appropriately enforced by traffic officers could increase compliance by road users and reduce the incentives to offer bribes.

Better data is needed to improve anti-corruption efforts in South Africa. The data already captured by the State and private sector could be better reported. Data on investigations and convictions of cases involving corruption is inconsistently reported by various crime-fighting agencies; data on compliance with regulations relevant to corruption is inconsistently collected and reported by government agencies, and not sufficiently consolidated and used to inform risk profiling, etc. Further, private sector reporting of corruption remains too low. Improving the collection, reporting and analysis of these kinds of statistics are important for monitoring the State and other sectors' impact on reducing corruption, and identifying areas of potential or current risk for corruption.

In summary, the following major issues should be given consideration in a National Anti-Corruption Strategy:

- *The need for efforts to empower citizens in the fight against corruption through awareness-raising campaigns, campaigns on citizens' rights in terms of administrative process and improved whistle-blower protection.*
- *Building ethical leadership across government, business and civil society sectors.*
- *Building a professional public sector orientated towards serving citizens and implementing policy.*
- *Improving adherence to anti-corruption and integrity management regulations and other regulations with relevance for anti-corruption, and ensuring improved consequence management for non-compliance with these regulations and codes of conduct across sectors.*
- *Improving transparency of activity and use of resources in the government, business and civil society sectors.*
- *Improving the transparency and accountability of the public procurement system to ensure fair, effective and efficient use of public resources.*
- *Improving the collection, reporting, analysis and use of data relevant to anti-corruption work.*
- *Developing or strengthening programmes aimed at tackling corruption in sectors particularly vulnerable to corruption.*
- *Strengthening the capacity of government organisations tasked with combating corruption and providing oversight of government's work through adequate resourcing and strengthened independence.*
- *Ensuring personnel in organisations tasked with anti-corruption and integrity management work have the necessary training and organisational support to undertake their work.*
- *Improving platforms for cooperation between the various anti-corruption bodies.*
- *Strengthening stakeholder partnerships to support anti-corruption work across sectors.*

South Africa can build on progress already made. This includes generally robust legislation for fighting corruption; some very strong investigative skills in senior police ranks in South Africa; Chapter 9 and 10 institutions committed to promoting integrity in public and private sectors; a generally clear set of rules and values for guiding the conduct of government employees and members of the executive in the government sector; organised business and civil society having shown earlier commitments to collaborating on anti-corruption efforts which can be revived; and South Africa having a free media and active civil society to support efforts to build accountability.

At this point there is a need to develop a comprehensive strategy that can establish an integrated approach to support improved coordination between the numerous role players in the fight against corruption, and to tackle the systemic causes of corruption in the country.

Part B: Proposals for a national anti-corruption strategy

1. Rationale for a national anti-corruption strategy

The National Anti-Corruption Strategy is intended to serve as a guide for Government, the business sector and civil society organisations, to help coordinate and support their efforts to reduce corruption. The strategy therefore provides a set of strategic pillars and programmes around which sectors, organisations and other forums within these sectors can direct and attempt to align their work. It also provides a tool for citizens and others to monitor South Africa's progress in achieving a substantial reduction in corruption in the country.

Several state organisations and spheres of government, and organisations or representative bodies in the business and civil society sectors, have already developed anti-corruption and integrity management strategies of their own. Where these are bearing fruit they should clearly be continued. The proposals for a National Anti-Corruption Strategy outlined below include nine strategic themes or pillars under which organisations and sectors can develop new programmes as well as a common set of concepts and commitments for reducing corruption.

In summary, the rationale of an overarching National Anti-Corruption Strategy is to:

- *Rejuvenate a national dialogue and direct energy towards practical mechanisms to reduce corruption and improve ethical practices across sectors and among citizens in South Africa.*
- *Support coordination of government, business and civil society efforts to reduce corruption and improve accountability and ethical practice.*
- *Provide a robust conceptual framework and strategic pillars to guide anti-corruption approaches across relevant sectors in the country.*
- *Provide a tool for monitoring progress towards a less corrupt society.*

2. Vision

The vision of the National Anti-Corruption Strategy is a South Africa that has:

- *An ethical and accountable state, business and civil society sectors in which those in positions of power and authority act with integrity.*
- *Citizens who respect the rule of law and are empowered to hold those in power to account.*
- *Zero tolerance of corruption in any sphere of activity and substantially reduced levels of corruption.*

In line with the National Development Plan, the vision of the National Anti-Corruption Strategy further entails a society in which police officers and others involved in enforcement do not wield power inappropriately over the vulnerable; one in which principals manage school funds in the best interests of learners; small business owners and corporates seek to provide value for money to customers; leaders of corporates seek to ensure their actions do not undermine the environmental or economic sustainability of communities and regions; traditional leaders serve the interests of their communities; citizens respect the rule of law; the judiciary acts with integrity and impartiality; trade union leaders are motivated by service to workers; members of parliament, legislatures and councillors hold officials and members of the executive to account; and public servants and politicians see their commitment first towards the citizens of the country, according to the values and requirements of the Constitution, and to implementing policy in the service of social and economic transformation, and not towards private or other interests. In order to achieve this vision, South Africa requires leaders across all sectors to set an example in acting with integrity and accepting accountability to their constituencies and stakeholders.

3. Objectives

The objectives of the National Anti-Corruption Strategy are to:

1. *Improve citizens' awareness of their rights and responsibilities relevant to the fight against corruption.*
2. *Improve whistle-blower protection and active participation in anti-corruption efforts by members of the public.*
3. *Improve transparency across sectors.*
4. *Improve compliance with anti-corruption and integrity management obligations and mechanisms across sectors.*
5. *Improve the structures for detection and enforcement (an independent, resourced, skilled and coordinated anti-corruption system).*
6. *Improve structures of oversight and accountability.*
7. *Improve domestic and international partnerships in and across sectors for reducing corruption and building accountability.*

4. Conceptual framework

Corruption affects and involves the actions of people in the government, business and civil society sectors. Tackling it will require commitment from all sectors, and interventions to empower citizens to support efforts aimed at reducing corruption. Substantially reducing corruption in South Africa therefore requires “a whole of government and society approach”, as called for in the National Development Plan and Government’s Medium Term Strategic Framework (2014-2019). Furthermore, corruption is not simply caused by a few “bad apples”. In order to deal with the systemic factors enabling corruption it is important to recognise that corruption and, conversely, ethical practice are shaped by particular organisational, social and political contexts.

Behavioural change is supported through changes to the institutions that govern or shape behaviour. Institutions are those structures, processes and mechanisms that shape people's behaviour in a particular context or community. Examples of relevant institutions are the organisations that govern training, such as schools or universities, workplace or organisational cultures and religions. Therefore, ensuring people have knowledge about anti-corruption regulations, ethics frameworks, etc, is a first important step towards reducing corruption and supporting ethical practice. It is however not sufficient. The aim of programmes initiated under the National Anti-Corruption Strategy should be to provide guidance on how to shift the incentives and constraints under which people and organisations operate, and build institutions that provide public servants, private sector professionals, citizens and others with a blueprint for ethical practice.

5. Strategic pillars and programmes

The National Anti-Corruption Strategy is built around nine strategic pillars, which are mutually supportive:

1. *Support citizen empowerment in the fight against corruption, including increased support for whistle-blowers.*
2. *Develop sustainable partnerships with stakeholders to reduce corruption and improve integrity management.*
3. *Improve transparency by government, business and civil society sectors.*
4. *Improve the integrity of the public procurement system to ensure fair, effective and efficient use of public resources.*
5. *Support the professionalisation of employees.*
6. *Improve adherence to integrity management and anti-corruption mechanisms and improve consequence management for non-compliance of these across government, business and civil society sectors.*
7. *Strengthen oversight and governance mechanisms in the government sector.*
8. *Strengthen the resourcing, cooperation and independence of dedicated anti-corruption agencies.*
9. *Build specific programmes to reduce corruption and improve integrity in sectors particularly vulnerable to corruption (vulnerable sector management), with an initial focus on the Justice, Crime Prevention and Security Cluster.*

Some of the programmes undertaken under the strategic pillars will be cross-cutting, i.e. supporting more than one of the strategic pillars. For example, professionalising supply chain management can support the integrity of the public procurement system; strengthening the capacity of anti-corruption agencies can support improved whistle-blower protection; etc.

These strategic pillars will be supported by the following programme elements and actions:

- *Awareness-raising and public dialogues.*
- *Integrity pacts and public commitment campaigns.*
- *Research and analysis.*
- *Development of guidelines and systems to support compliance with regulations.*
- *Education and training interventions.*
- *Improvement or development of platforms for enhanced coordination across and within sectors.*
- *Improvement or development of institutionalised platforms for detection, investigation and prosecution.*
- *Improvement of mechanisms to support increased reporting of corruption and whistle-blowing, including the protection of whistle-blowers.*
- *Development, review or amendments to legislation and policy frameworks.*

Monitoring and evaluation should be a built-in component of all programmes. The United Nations Office on Drugs and Crime has developed a high-level guide for developing anti-corruption strategies. It dedicates a chapter to the monitoring and evaluation of anti-corruption strategies and highlights the importance of a strong monitoring and evaluation component to support implementation of the strategy and institutional learning. The indicators should be very carefully developed to ensure that they refer to actions that can meaningfully contribute to reducing corruption or improving ethical practice.

A number of constructive recommendations for the reorganisation and reduction of some of the proposed pillars and strengthening of possible programmes were made during the initial sectoral consultations with select government, business and civil society stakeholders in September and October 2016.

- *These recommendations and comments were not included in this version of the Discussion Document, as the discussion of these should form part of the public consultation phase.*
- *Comments related to the roadmap and consultation process were, where feasible, included in the Roadmap (Appendix A).*

Pillar 1: Support citizen empowerment in the fight against Corruption (including improved whistle-blower protection)

Through paying a bribe to a government official, ordinary members of the public can perpetuate corrupt activity. Conversely, through joining public campaigns, or blowing the whistle on suspected cases of corruption, ordinary members of the public, civil society and media play a role in anti-corruption work, and can provide pressure for improved accountability in various sectors in South Africa. The United Nations Convention Against Corruption and other international treaties urge signatory countries to establish mechanisms that encourage participation in the fight against corruption by the media, civil society and ordinary citizens.

Strategic programmes under pillar1:

Strategic Programme	Rationale
<p>1.1 Develop and implement awareness-raising campaigns on the nature and effects of corruption, and the mechanisms available to reduce corruption, including corruption-reporting hotlines, in partnership with civil society.</p>	<p>Improved awareness of the impact of corruption in particular services or sectors can play a role in influencing positive behaviour change away from corruption, and encourage people to report instances of corruption, if campaigns have a clear thematic focus that allow people to identify in quite specific ways with the issues being raised. Furthermore, these can help build shared understanding of what constitutes corruption.</p>
<p>1.2 Develop and implement information campaigns on citizens' rights and how administrative processes should function to service citizens in:</p> <ul style="list-style-type: none"> • Frontline services and in sectors offering services that give effect to socio-economic rights in the Constitution, such as in the health and education sectors (public and private). • On citizens' rights as they particularly affect people living in rural areas, on issues such as accessing land and other services. 	<p>Where citizens have good information about how a particular administrative process works, and what they have a right to expect from the conduct of a public servant or private sector service provider, they are in a better position to resist requests for bribes, and in a better position to blow the whistle on possible cases of corruption. This strategic programme also contributes to the implementation of the Promotion of Administrative Justice Act.</p>
<p>1.3 Ensure strengthened whistle-blower protection through mechanisms such as:</p> <ul style="list-style-type: none"> • Developing appropriate systems for the protection of the identity of whistle-blowers and for the provision of legal aid to them. • Develop improved investigative/referral capacity to support successful prosecution based on information provided to hotlines. • Report positive success stories in reducing corruption due to information from whistle-blowers. 	<p>The Organisation for Economic Development Working Group assessing compliance with provision on combating bribery notes that efforts are needed in South Africa to ensure that in practice whistle-blowers are provided with the protection outlined in law.³² To be effective, the public should see examples of cases of corruption being prosecuted as a result of these hotlines.</p>

³² Organisation for Economic Cooperation and Development (OECD). 2016. 'South Africa Phase 3 Written Follow-up Report' OECD, Paris.

Pillar 2: Develop sustainable partnerships with stakeholders

Partnerships and collaborative forums are needed to strengthen and sustain the fight against corruption. These partnerships and forums can improve coordination around anti-corruption efforts, build greater consensus around the need for interventions to reduce corruption, develop consensus about appropriate anti-corruption efforts and build social capital between sectors in the country.

Strategic programmes under pillar 2:

Strategic Programme	Rationale
<p>2.1 Rejuvenate the National Anti-Corruption Forum as a platform to coordinate and strengthen anti-corruption and integrity efforts across business, civil society and government sectors; ensuring the forum has the necessary leadership support, resourcing and appropriate structure to be effective.</p>	<p>There are challenges to collaboration and information on anti-corruption measures, and to obtaining sector input on how corruption and anti-corruption affects various sectors and industries. The National Anti-Corruption Forum was a positive development in the anti-corruption landscape. However, the forum has not been very active since the Fourth Summit in 2011. This body should be revived, as encouraged in the National Development Plan and by public statements of the Minister in the Presidency: Planning, Monitoring and Evaluation, Mr Radebe.³³ To be effective it will require the active participation of very senior leaders from all sectors; appropriate institutional design; adequate resourcing, especially from government; and a supporting administration/secretariat.</p>
<p>2.2 Develop partnerships between the National School of Government and other government training academies, central government departments such as the Department of Public Service and Administration and National Treasury, educational institutions and professional bodies to ensure improved institutional capacity to undertake effective education, training and quality control in support of anti-corruption, integrity management and professionalisation of the public sector.</p>	<p>Long-term partnerships between education institutions, professional bodies and government stakeholders can build strong capacity for training and development in the area of anti-corruption.</p>
<p>2.3 Develop partnerships between Government, civil society and schools in the public and private systems to undertake awareness-raising programmes around corruption and anti-corruption, and in support of the relevant sections of the school curriculum. These could include drama and music events, and other creative interventions.</p>	<p>Awareness-raising about corruption and discussions of ethical practice in a range of settings are a part of the school curriculum. Interventions are needed to bring some of the issues raised in the curriculum to life for learners and to expand the discussion to support specific anti-corruption campaigns being implemented under the National Anti-Corruption Strategy.</p>
<p>2.4 Sectoral input into strengthened whistle-blower protection: government, business and civil society to develop guidelines and procedures for how organisations in their sectors can support and promote whistle-blowing, and the development of guidelines for coordinating information collected from reporting hotlines.</p>	<p>Guidelines are needed for developing systems to ensure that whistle-blowers can report anonymously to the extent possible, that their identities and the information they provide are recorded, stored and used in such a way that this does not unnecessarily increase the risk of harm to the whistle-blower.</p>

³³ Radebe, J. 2014. Minister Radebe's speech at International Anti-Corruption Day, 9 December 2014.

Pillar 3: Improve transparency (by government, business and civil society sectors)

The Constitution includes various clauses requiring transparency in the operations of government departments and elected representatives. Government accountability is substantially enabled by transparency in decision-making and the management of public resources. This is a key theme of the National Development Plan. Furthermore, the business and civil society sectors also have a duty to ensure appropriate transparency to relevant stakeholders in their sectors: from customers and other citizens affected by business activity, to donors, beneficiaries and other groups affected by civil society activity.

Strategic programmes under pillar 3:

Strategic Programme		Rationale
3.1	Develop and implement awareness-raising campaigns and training interventions on legislation that give concrete effect to transparency, with a focus on the Promotion of Access to Information Act and the Promotion of Administrative Justice Act, in partnership with civil society and media.	The Promotion of Access to Information Act gives greater legal effect to provisions in the Constitution and the Bill of Rights providing for access to information in the public and private sectors. The Promotion of Administrative Justice Act states that members of the public have the right to administrative action by the State that is lawful, reasonable and procedurally fair, and to be provided with reasons in circumstances where one's rights are adversely affected by administrative action. The National Development Plan has highlighted the need to give greater effect to these Acts by government departments and agencies.
3.2	Improve systems for recordkeeping in organs of state to support oversight of government activity and the implementation of the Promotion of Access to Information Act and the Promotion of Administrative Justice Act in particular, through: <ul style="list-style-type: none"> The development of appropriate professional recordkeeping standards across all spheres of Government. Providing effective training for record managers and archivists. Making available small grants for application by government departments and municipalities in developing appropriate record keeping systems. Providing technical support by Government for this purpose. 	The state of recordkeeping in a number of government departments and municipalities is poor. This creates room for corruption by reducing the State's ability to identify and prosecute cases of corruption. Further, poor recordkeeping makes it difficult or time-consuming for departments to comply with requests for information under the Promotion of Access to Information Act and Promotion of Administrative Justice Act.
3.3	Improve the availability and quality of government data relevant to corruption and anti-corruption efforts through: <ul style="list-style-type: none"> The development of standardised guidelines and other mechanisms for recording and reporting on corruption-related investigations and prosecutions for various sectors. Allocating responsibility to a government body to collect, analyse and report on data relevant to corruption and anti-corruption efforts. Mapping and researching the potential future areas of risk for corruption. 	Data on investigations and convictions of cases involving corruption are inconsistently reported by government agencies, and data on compliance with regulations relevant to corruption is inconsistently collected and reported by public sector departments. Further, this data is not properly consolidated. Improving the collection and reporting of these kinds of statistics in Government is important for monitoring anti-corruption work, and identifying areas of potential and current risk for corruption.
3.4	Establish appropriate instruments and mechanisms to provide for information on beneficial ownership through: <ul style="list-style-type: none"> Amendments to or development of legislation. Appropriate systems to capture and report on beneficial ownership. Information and awareness-raising campaigns on the nature of beneficial ownership and the purpose of transparency in this area, in partnership with civil society and media. 	At the Open Government Partnership Africa Regional Meeting in Cape Town in May 2016, the South African Government announced an action plan that includes commitments to collecting information on beneficial ownership of all companies in the country and making this publically available. This will require amendment to existing legislation or the development of new legislation, and the development of supporting regulations and institutions.
3.5	Establish mechanisms for improving transparency of governance in civil society organisations and private sector firms, in partnership with these sectors, for example through: <ul style="list-style-type: none"> The development of guidelines for information to be provided to the public. Awareness-raising campaigns and dialogues on transparency. Other mechanisms. 	While some organisations in civil society and the business sector have taken the lead in ensuring their processes are transparent and accountable to their stakeholders, there is still a need to improve the transparency of operations of some civil society organisations and private sector firms, and to improve reporting on how organisations are tackling corruption in their own organisations. The draft King IV outlines proposals for promoting good corporate governance in all sectors – including proposals for improved transparency.
3.6	Develop mechanisms to improve business sector compliance with reporting requirements on corruption as outlined in the Prevention and Combating of Corrupt Activities Act, through mechanisms such as: <ul style="list-style-type: none"> Awareness-raising campaigns. The development of guidelines regarding how and what to report. 	Regulations on reporting corrupt activity in the business sector by businesses is written into law, but compliance with these provisions is not what it should be, in part due to the stigma attached to admitting control and governance failures.

Pillar 4: Improve the integrity of the public procurement system

The Medium Term Strategic Framework and the National Development Plan include strengthening oversight of the public procurement system as a strategy for reducing corruption. The interface between public and private sectors in the procurement process is where a good deal of corrupt activity takes place. Supporting improved oversight of compliance by elected officials, public sector employees and the business sector with regulations and codes intended to ensure accountability in the use of public resources is vital to reducing corruption and ensuring that public monies are spent on development and service delivery. The Office of the Chief Procurement Officer was established to support a more transparent, fair and effective public procurement system. Important reforms of the procurement system are undertaken and led by this office, which should be supported by the National Anti-Corruption Strategy.

Strategic programmes under pillar 4:

Strategic Programme	Rationale
<p>4.1 Improvements in publicly available data on state procurement in organs of state that enable citizens, civil society and concerned business to monitor the integrity of the public procurement system. This programme should include a major focus on ensuring the availability of such data on procurement by state-owned entities.</p>	<p>Developing consolidated publicly available data on state procurement could aid in building greater transparency and accountability of the government and business sectors in the country.</p>
<p>4.2 Undertake annual forensic reviews of a small sample of procuring entities and large procurement contracts across all levels of Government. The sample method should vary depending on the sphere of Government. For example:</p> <ul style="list-style-type: none"> • In local government, a small random sample of municipalities could be identified annually. • In the case of state-owned entities, a random sample of contracts above a certain value could be identified. <p><i>These investigations would need to be followed up with appropriate criminal or disciplinary action.</i></p>	<p>Interventions are needed to create a higher level of risk of detection of corrupt activity by improved enforcement of relevant legislation around procurement; and to improve consequence management for transgressions of law regulating procurement.</p>
<p>4.3 Develop and implement education and awareness campaigns to improve business, civil society and media oversight of procurement, including:</p> <ul style="list-style-type: none"> • Organised business partnering with Government to undertake training for firms, civil society and media regarding the procurement process (how the process works, where to find relevant information on tenders, where to report suspected cases of corruption, etc.). • The development of a supporting handbook on how procurement is regulated could be developed. Such material has already been developed in some sectors, by organised business, the Ethics Institute of South Africa and others. These could be updated and more widely distributed. 	<p>Civil society, organised business and media can support improved monitoring of the public procurement system. Organisations that are trained on the nature of the reforms to the procurement system and the compliance expected from government institutions and private sector companies in contracting with the state can assist Government in providing pressure for compliance.</p>

Pillar 5: Professionalisation (of public service employees)

Professionalisation of the public sector is a key theme of the National Development Plan, as outlined in Chapter 13, and is not only included in the chapter on combating corruption but also an outcome of the Medium Term Strategic Framework 2014–2019. A professionalised public sector is one in which its employees see their commitment first and foremost to the citizens of the country and to implementing policy in the service of social and economic transformation, and not to private or party interests where these deviate from formal policy. Further, it incorporates a vision of a public sector in which employees have the necessary skills and experience to undertake their work. Professionalisation requires an approach to training and recruiting civil servants that can help shape a sense of commitment to serving the public. Initiatives to support the process of professionalisation are already undertaken by the Department of Public Service and Administration, the National School of Government, the South African Local Government Association, and others. Further stakeholders in this process include other training bodies and professional associations.

The development of a well-skilled public service features prominently in comparative political science literature as a key feature of less corrupt societies, and strengthening this in South Africa will require dedicated resources and attention and should obtain prominence in the national discourse on corruption. Human resources, supply chain management and finance should be particularly targeted under this strategic pillar. An improved human resource function is vital for ensuring better consequence management and discipline for non-compliance in departments, for supporting training and improved recruitment in the public sector. Improved financial management and supply chain management is vital to ensure more efficient use of public resources and to reduce the room for corrupt activity in public procurement. Other occupational groups that require interventions relate to the professions that detect and investigate unethical or corrupt behaviour such as internal audit and forensic investigations.

Strategic programmes under pillar 5:

Strategic Programme		Rationale
5.1	Develop core curriculum for supply chain management, finance and human resources; to be developed by the National School of Government, in partnership with senior practitioners in these occupations in the public sector; relevant professional associations and universities. The curriculum should be carefully developed to support practical training that reflects the working environment of public sector employees.	The development of core curricula for these occupations can support improved and standardised training, support the development of standardised criteria for appointing personnel in these occupations and develop a community of practitioners in these occupations.
5.2	Develop a cohort of expert trainers and lecturers in the National School of Government, provincial academies and training for local government. This cohort should include trainers who have had lengthy periods of experience at a senior level in the public service.	Training to support professionalisation should ideally take the form of specialised, long-term cohort training, to develop strong skills and to develop a shared ethos.
5.3	Phased-in examinations and training requirements for staff at Senior Management Service level in supply chain management, finance and human resources. Entrance exams for positions in the Senior Management Service or another appropriate level in these occupations could be phased in over a period of time, beginning with knowledge testing of relevant legislation and codes, then moving slowly towards standardised competency-based examinations as training institutions and courses for public servants mature.	Entrance examinations and training requirements, if appropriately phased in, can improve the skills levels of personnel in these positions and the status of these occupations in the public sector.
5.4	Develop or strengthen professional associations to support the professionalisation of supply chain management, finance and human resources in the public sector.	In a number of professions, registration with a professional association or body is standard. The professional associations (for example the South African Institute of Chartered Accountants) accredit members of a profession, often through requiring of applicants a minimum level of qualification or requiring that applicants pass a standardised examination. Through partnering with existing professional bodies, these forms of accreditation could be built-up over time and should include members signing a code of conduct for accredited entry into the profession.
5.5	Develop a graduate recruitment programme for supply chain management, finance and human resources, which includes a central strategy for providing training, mentoring and support throughout the first years on the scheme, as called for in the National Development Plan.	The National Development Plan proposes the development of a graduate recruitment programme. This could assist in developing a community of support and practice among graduates in these occupations and in improving the recruitment of skilled graduates into the public sector in these occupations.

Pillar 6: Improve adherence to integrity management and anti-corruption mechanisms and improved consequence management for non-compliance

A range of laws in South Africa require organisations in Government and business to implement mechanisms aimed at reducing corruption and supporting integrity management in their organisations. For example, in the case of the business sector and state-owned entities, the Prevention and Combating of Corrupt Activities Act outlines reporting requirements on corruption, and the Companies Act requires companies to establish Social and Ethics Committees which are to oversee, among other things, the development of anti-corruption compliance mechanisms to reduce companies' exposure to bribery and other corruption-related risks. The diagnostics developed in preparation for this strategy showed that compliance with these regulations is still too low. In the government sector, clear regulations, policy guidelines and codes of conduct have been developed to support integrity management, including the Financial Disclosure Framework, guidelines around reporting on suspected cases of corruption, on investigations within departments, etc. However, Public Service Commission and Auditor-General reports and the findings of the Accountant-General have noted the low levels of appropriate sanction applied to employees and members of the executive in Government who do not adhere to these codes and regulations, and those suspected of illegal activity. Efforts are needed to ensure greater compliance and consequence management in organisations in the government and business sectors through both enforcement and preventative measures.

Strategic programmes under pillar 6:

Strategic Programme	Rationale
6.1 Develop regulations and guidelines to support the implementation of the Public Administration Management Act, Act 11 of 2014 in the public service and municipalities.	The Act establishes a Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit in the DPSA; regulates public servants conducting business with the State; provides for the establishment of the National School of Government; provides for the Minister of Public Service and Administration to set minimum norms and standards for public administration; and establishes an Office of Standards and Compliance to ensure compliance with minimum norms and standards.
6.2 Develop supporting guidelines and training for the implementation of the Local Government Anti-Corruption Strategy.	The Local Government Anti-Corruption Strategy was launched this year, and outlines specific programmes for reducing corruption and improving accountability in local government.
6.3 Investigate and institute appropriate disciplinary procedures against non-compliance by an appropriately placed and capacitated unit in Government, such as the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit in the Department of Public Service and Administration (established by the Public Administration Management Act). This newly created unit, or another appropriately placed body, should be given the mandate to ensure that disciplinary action is taken against employees found guilty of offences, and that where there is reasonable suspicion of illegal activity this is handed over to law enforcement. Further, it should be provided with the resourcing to undertake this work effectively.	Auditor-General and Accountant-General findings regarding cases of possible or actual corruption and non-compliance with regulations and codes governing public sector employees' conduct are not being sufficiently acted upon by Accounting Officers and Executive Authorities in Government, nor are the recommendations of the Public Service Commission being acted on with regard to conflicts of interest as disclosed in Financial Disclosure forms.
6.4 Implement training for ethics officers and personnel responsible for detecting and reporting on corruption in government departments and municipalities. The training should be practical in content: helping personnel deal with the situations they are likely to face in the workplace.	Training is needed in the area of enforcement and integrity management in government departments and municipalities. Personnel assigned to relevant posts in government organisations often do not have specialised training to support them in helping to prevent, detect and act on possible cases of corruption.
6.5 Strengthen government employee wellness programmes in the area of personal financial management, through improved training, awareness raising and debt counselling services.	The level of indebtedness of some public servants and the risk that this might see employees more likely to engage in theft or other forms of financial misconduct requires amelioration through improved training and counselling support on managing personal finances.
6.6 Implement awareness-raising programmes on the anti-corruption requirements for private firms and state-owned entities contained in the Companies Act, the Prevention and Combating of Corrupt Activities Act and other relevant pieces of legislation, in partnership with organised business and professional associations.	The anti-corruption compliance requirements for firms are not widely known in the business sector.
6.7 Develop guidelines to support compliance with anti-corruption legislation by private companies and SOEs. These guidelines could be developed through a partnership between government and organised business.	The regulations of the Companies Act do not specify in detail what kinds of anti-corruption compliance measures should be undertaken by firms.
6.8 Develop an anti-corruption compliance culture in private companies and state-owned entities through the development of a new offence, i.e. failure by a commercial organisation to prevent bribery and possibly other forms of corruption, which requires companies to proactively put measures in place to manage the risk of corruption and to ensure that they have a defence against the offence of failure to prevent bribery and other forms of corruption.	Some companies have been very proactive in putting in place mechanisms to reduce their exposure to bribery and other forms of corruption in South Africa and other countries. However, companies face a reputational risk for reporting on corruption, and putting in place anti-corruption compliance measures can be seen as yet another compliance burden or cost. Awareness-raising campaigns are not sufficient: an appropriate set of pressures or incentives is needed to improve reporting on bribery and to improve compliance with anti-corruption regulations by companies. There are successful international models that South Africa can draw from. The United Kingdom, for example, has created a corporate offence known as "the failure by a commercial organisation to prevent bribery". This obliges companies associated with the United Kingdom to proactively put measures in place to manage the bribery risk to ensure that they have a defence against this new "corporate offence". The United Kingdom Government has also issued very clear guidelines to corporates about what they regard as "adequate procedures" to prevent bribery, which, if properly put in place, will constitute a defence against a charge of failing to prevent bribery. The UK Regulator utilises deferred prosecution agreements as an incentive for companies to enter negotiations where bribery violations are alleged. Where very clear evidence of corruption is obtained, law enforcement still investigates and can prosecute criminal activity. These initiatives are having a dramatic effect on multinational private sector companies.

Pillar 7: Strengthen oversight mechanisms (in the government sector)

The Constitution of the Republic of South Africa established a number of oversight bodies with relevance to anti-corruption efforts. These include the Public Protector, the Auditor-General, and the Public Service Commission. The national and provincial parliaments (legislatures), and the local government councils are to provide general oversight over the activities of government departments and agencies. In addition, bodies have been established in legislation to provide oversight of particular sectors, such as policing and the intelligence services. The integrity and effectiveness of these bodies is centrally important in the fight against corruption.

Strategic programmes under pillar 7:

Strategic Programme	Rationale
<p>1.1 Ensure appropriate resourcing and ethical leadership of Chapter 9 and 10 Constitutional oversight bodies, and of oversight bodies of the police and intelligence services so as to build public confidence in their oversight role and strengthen their effectiveness.</p>	<p>These oversight bodies should be appropriately resourced and independent of pressure from the executive or other sectors to play their role in acting against abuses of power and other forms of corruption.</p>
<p>1.2 Develop and implement public awareness-raising campaigns about the role and importance of Chapter 9 and 10 oversight bodies in strengthening democracy and improving government accountability.</p>	<p>These bodies are vitally important in ensuring improved government accountability and require the active support of members of the public.</p>
<p>1.3 Initiate public conversation about the role and mandate of the Public Service Commission in strengthening democracy, improving oversight of government employees and building a professional public sector, and develop proposals for how to strengthen the authority of the Commission's recommendations in line with recommendations made in the National Development Plan.</p>	<p>Over the last 20 years, the Public Service Commission has played a valuable role in monitoring the conduct of public servants and members of the executive. However, the Commission does not have the mandate to ensure compliance by departments and politicians with its findings. A public debate on the possible strengthened role of the Commission would be valuable.</p>
<p>1.4 Improve the capacity of municipal oversight functions through:</p> <ul style="list-style-type: none"> • Training interventions for councillors and municipal managers. • Training for civil society organisations to play a stronger role in public participation processes. • National and regional dialogues on the nature and purpose of accountability and oversight mechanism in local government. 	<p>At local government level, structures established to improve oversight of municipal decision-making and spending, such as the Municipal Public Accounts Committees, are not working as effectively as they should.</p>

Pillar 8: Strengthen the resourcing, cooperation and independence of dedicated anti-corruption agencies

South Africa follows a multi-agency approach to combating corruption: it does not have one entity solely focused on enforcement and anti-corruption measures. Irrespective of whether countries follow a single or multi-agency model, those that have been successful in reducing corruption have demonstrated a number of important characteristics.

South Africa must ensure that its anti-corruption system demonstrates the following characteristics:

- Independence from the executive, and from sectoral interests.
- Accountability, through civilian and/or parliamentary oversight.
- A transparent process for appointing leaders and senior managers on the basis of their integrity, competency and skills.
- Job security through fair and transparency processes for dismissing staff.
- Adequate resources in the form of budget and infrastructure.
- Appropriately skilled staff that are specialised and have been appropriately trained.

Strategic programmes under pillar 8:

Strategic Programme		Rationale
8.1	<p>Ensure the structural and operational independence of key agencies involved in investigating and prosecuting corruption (currently the Directorate for Priority Crime Investigation; the Special Investigating Unit; and the National Prosecuting Authority) through:</p> <ul style="list-style-type: none"> • Improving the transparency and rigour of the processes for selecting and dismissing senior leaders in these organisations. • Ensuring oversight of these agencies work through direct reporting to parliament or some civil oversight body. 	<p>Further efforts are required in South Africa to build the independence of the criminal justice agencies to support anti-corruption work especially in pursuing senior politicians, government officials, business people and other leaders, and building public confidence in government's commitment to reducing corruption. The National Development Plan highlights the importance of insulating criminal justice agencies from political pressure.</p>
8.2	<p>Review and improve the design of a coordinating body for anti-corruption work, ensuring that the body has:</p> <ul style="list-style-type: none"> • sufficient legal stature • is appropriately structured • is appropriately resourced to be effective in coordinating anti-corruption detection, investigation and prosecution. <p>This should include improved mechanisms for supporting:</p> <ul style="list-style-type: none"> • Prosecution-guided investigations, and for • Tracking cases of corruption in Government where relevant parties are not criminally charged, but where disciplinary action is recommended by the investigating unit, i.e. monitoring consequence management of such cases by organisations in government. 	<p>There is a need for improved coordination between the various criminal justice agencies (and others in Government tasked with combating corruption) in South Africa.</p>
8.3	<p>Undertake capacity building, including training, for improved enforcement, among others:</p> <ul style="list-style-type: none"> • Improved systems for capturing and analysing intelligence and data on reported or suspected cases of corruption in support of investigations, risk assessments, etc • Training for investigators on building successful cases under the Prevention and Combating of Corrupt Activities Act • Training on dealing with sophisticated forms of financial crime and cybercrime. 	<p>The Prevention and Combating of Corrupt Activities Act has thus far rarely been used to prosecute cases of corruption. Police are more likely to use legislation pertaining to fraud and other financial crimes than this Act. Training on building cases under the Act could assist with improving prosecution rates.</p>
8.4	<p>Improve bilateral cooperation with other countries in the fight against corruption (and financial crimes in particular) ensuring mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to corruption.</p>	<p>The challenges with data on corruption and anti-corruption have already been mentioned.</p>
8.5	<p>Strengthen engagement between South Africa and the relevant international custodians of the agreements to which South Africa is a signatory.</p>	<p>South Africa is a signatory to a number of international conventions and treaties that commit the country to implementing particular interventions aimed at reducing corruption. Improved mechanisms are needed to increase the country's compliance with the various conventions and agreements, improve cooperation between South Africa and other countries in the fight against corruption, especially financial crimes, and to strengthen engagement with the relevant international custodians of these agreements.</p>

Pillar 9: Vulnerable sector management: build specific programmes to reduce corruption and improve integrity in sectors particularly vulnerable to corruption

Certain services or sectors are more vulnerable to corruption than others. The World Bank and the Group of 20 support and have internationally prioritised a number of industry sectors in which governments and businesses play important roles for prioritised focus regarding anti-corruption measures. In many countries, these sectors include those services in which public sector personnel have a great deal of power over the fate of members of the public such as policing, immigration and border control, correctional services, social services, the allocation of licences or certificates, e.g. mining or environmental exploration/exploitation, or areas that are of national or strategic interest to the development or economic stability of that country, e.g. energy provision or infrastructure development. Improving the integrity of these sectors in an integrated manner must therefore be an important component of the National Anti-Corruption Strategy.

In line with current government programmes, the emphasis on specific attention to vulnerable sectors already exists. In keeping with this approach it is proposed that the sectors in the Justice, Crime Prevention and Security Cluster are prioritised first under this strategic pillar, particularly policing, immigration and border control, and correctional services. Personnel in these sectors are in close proximity to crime networks, and in South Africa, there are a number of additional context-specific and historical factors that have shaped the Justice, Crime Prevention and Security Cluster’s vulnerability to corruption. While these services are particularly vulnerable to corruption, *they are also vital to the fight against corruption.*

Strategic programmes under pillar 9:

Strategic Programme		Rationale
9.1	Development of specific industry, sector or departmental anti-corruption strategies for prioritised areas (as applicable).	Dedicated industry, sector or department-specific anti-corruption strategies are needed to guide and improve anti-corruption efforts in prioritised areas, currently in particular in the Justice, Crime Prevention and Security cluster. These should include: <ul style="list-style-type: none"> • Each of the departments under a specific sector/industry developing (or reviewing, where these have been developed) detailed and appropriately costed anti-corruption strategies and projects. • These should allocate timeframes and roles as well as responsibilities for implementation of the various components of the strategy/project (including business sector participation). • The intention is that a strategy should target a period of 5-10 years, and related projects target periods of 3-5 years until risks in these sectors, industries or departments are significantly reduced or systems regularised. • These should be augmented with and support the regular/institutionalised mechanisms to improve integrity management professionalisation and disciplinary action or initiate investigations against corrupt parties in the prioritised cluster.
9.2	Development of appropriately resourced project plans to implement focused, parallel, multi-level interventions to mitigate very specific risks in a sector.	
9.3	Centrally monitor and evaluate progress on implementation of these industry/departmental anti-corruption strategies and/or projects within a sector.	

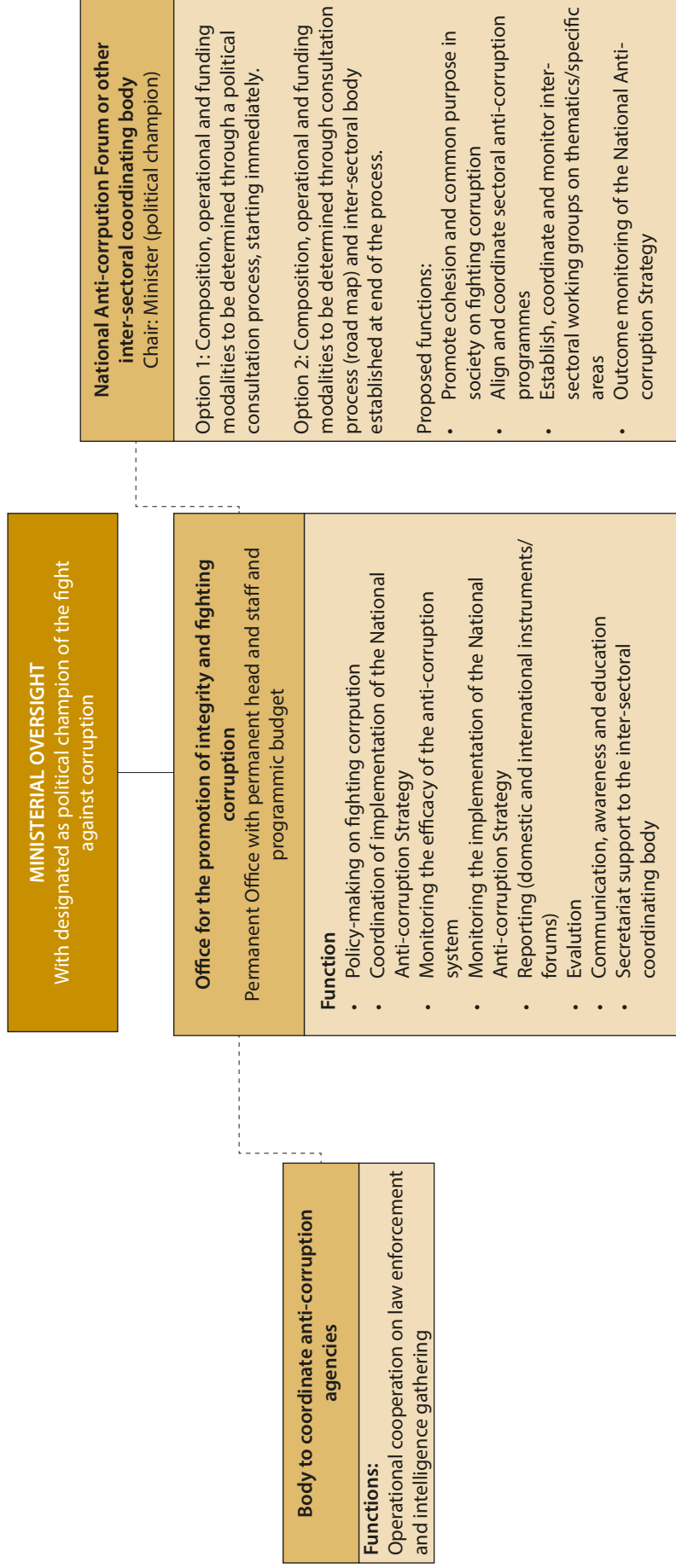


6. Institutional mechanisms to implement the strategy

6.1 Key dependencies for the NACS will be defined as part of the consultation process.

6.2 Implementation mechanisms

A lead organisation should be identified to support the implementation, coordination and monitoring of the National Anti-Corruption Strategy, and to act as a secretariat to organisational platforms that are important for its delivery, such as the National Anti - Corruption Forum. It is proposed that such a unit is established in the Presidency. A proposed structure is outlined in the diagram below.



Appendix A: Roadmap for developing a final National Anti-Corruption strategy

Purpose

The purpose of this roadmap is to outline the process to be followed in the development of the National Anti-corruption Strategy. The goals of the proposed process are to:

- Achieve a “whole of government and society” approach to the fight against corruption.
- Be open, transparent and inclusive of all sectors of South African society.
- Arrive at a robust National Anti-Corruption Strategy that has buy-in from the state, business and civil society.
- Foster ownership of the process and the resulting National Anti-Corruption Strategy by all the sectors.

Proposed process

Below is the consultation process to be followed, from the approval of the consolidated consultation document to the approval of the final national anti-corruption strategy and its implementation plan.

This comprehensive process is aimed at achieving wide consultation, giving the strategy maximum publicity and achieving high levels of credibility and thus buy-in from all organised sectors of South African society as well as ordinary citizens. This process is proposed as the route for building public confidence in Government and other sectors’ commitment to fighting corruption.

Phase 1: Research, initial consultation and drafting

Actions	Responsibility	Timeline
<p>1</p> <p>Draft consultation document developed</p> <ul style="list-style-type: none"> Diagnostic assessment and draft proposals for an anti-corruption strategy developed (in the form of a draft consultation document). Developed by the Public Affairs Research Institute (WITS), supported by a Steering Committee (chaired by the Department of Public Service and Administration). 	<p>Steering Committee and Public Affairs Research Institute</p>	<p>May to August 2016</p>
<p>2</p> <p>Sign-off by ACTT:</p> <ul style="list-style-type: none"> Consultation document signed off by Anti-Corruption Task Team 	<p>Anti-Corruption Task Team</p>	<p>July 2016</p>
<p>3</p> <p>Supporting organisations and structures identified</p> <ul style="list-style-type: none"> Steering Committee remains a reference group until the end of the process. A department is appointed to assume responsibility for driving the process. Agreed-upon approach to revive a reconceptualised and redesigned cross-sectoral Anti-Corruption Forum (previously the National Anti-Corruption Forum) 	<p>Anti-Corruption Inter-Ministerial Committee</p>	<p>July 2016</p>
<p>4</p> <p>Internal government awareness raising</p> <ul style="list-style-type: none"> Awareness raising of the process with other government departments through the cluster system. 	<p>Lead department</p>	<p>End July 2016</p>
<p>5</p> <p>Initial consultation workshops</p> <ul style="list-style-type: none"> Initial consultation documents with civil society, business and wider government. Aimed at raising awareness and get buy-in for a thorough public consultation process that will follow after the 9 December 2016 launch of the consultation document. 	<p>Steering Committee</p>	<p>September 2016</p>
<p>6</p> <p>Update the NACS discussion document</p> <ul style="list-style-type: none"> Prepare final consultation document, incorporating input from the three consultation workshops. Prepare short summary of document and translate summaries into all official languages. 	<p>Steering Committee and Public Affairs Research Institute</p>	<p>October 2016</p>
<p>7</p> <p>Finalise anti-corruption consultation document</p> <ul style="list-style-type: none"> Present consultation document to Anti-Corruption Inter-Ministerial Committee for final approval. 	<p>Lead Department supported by Steering Committee</p>	<p>End October 2016</p>
<p>8</p> <p>Inform Parliament, the Legislatures and Judiciary of the process</p> <ul style="list-style-type: none"> Parliament, provincial legislatures, and the office of the Chief Justice informed of the process. Engage with the House of Traditional Leaders. 	<p>Steering Committee</p>	<p>October 2016</p>
<p>9</p> <p>Planning for the launch of the consultation document</p> <ul style="list-style-type: none"> Planning for an event which will launch the wider consultation process for developing a National Anti-Corruption Strategy for South Africa. Involve business and civil society in planning for the launch. 	<p>Lead Department with support from Anti-Corruption Inter-Ministerial Committee</p>	<p>End November 2016</p>

	<ul style="list-style-type: none"> • Reactivation of NACF or establishment of a cross-sectoral Anti-Corruption Forum. • Develop a detailed process map to support planning (map the activities associated with the steps outlined in the Roadmap for Phases 2 and 3, providing as precise an estimate as possible of the time needed to undertake these activities, and precisely how they should be sequenced). <p>Release of the Public Consultation Document and launch of Public Consultation Phase</p> <ul style="list-style-type: none"> • Expressions of support by senior business and civil society leaders at a press conference alongside the Minister. • Statement of intention to revive a restructured cross-sectoral Anti-Corruption Forum (previously the National Anti-Corruption Forum). • GCIS to launch major coordinated communication campaigns nationally and in provinces, including a web platform. • Concurrent provincial launches of Public Discussion Document. 	Identified Champion	9 December 2016
Phase 2: Public Consultations			
11	<p>Activities</p> <p>Provincial information and awareness sessions Hosted by the Office of the Premier and/or Provincial Treasury at provincial anti-corruption or similar forum meetings. COMMENT: The provincial workshop (2016-10-13) proposed that this could be jointly facilitated by a Provincial Steering Committee (OTP, DPME DCoG, etc.) or the Integrity Management Units.</p> <p><u>Target audience:</u></p> <ul style="list-style-type: none"> • SALGA governance group • Business chambers • NGO umbrella bodies/significant NGOs • ECOSOC provincial representatives • Provincial and Local Government communication structures • Provincial legislature: Chairpersons of appropriate committee(s) • Other provincial departments • Provincial government anti-corruption coordinating forums/structures, where they exist. 	<p>Responsibility Lead department with the support of the NACS Steering Committee</p>	<p>Timeline January 2017</p>
12	<p>General awareness-raising activities/engagements</p> <ul style="list-style-type: none"> • Broad-based media campaign to encourage everyone to provide input. • Engagements at district and local level. • Inclusion in existing departmental plans/activities. 		January to March 2017

13	<p>Invitation for sector and industry specific engagements (national and provincial)</p> <p>The final number of engagements and formats are still to be determined. This is to be based on two considerations:</p> <ol style="list-style-type: none"> 1) Critical sectors/industries that must be consulted, and 2) Expressions of interest and emergence of stakeholders based on the responses to the media/mass communication campaigns. <p><u>Target audience(s):</u></p> <ul style="list-style-type: none"> • National departments (x1) • Government departments in provinces (x9) • Provincial Anti-Corruption/Ethics Forums (multi-sectoral) (x9) • Key Sectors/Industries: <ul style="list-style-type: none"> – Local government structures and municipalities – Traditional leaders (CONTRALESA) – Mining – Construction – Education – Labour organisations / Trade unions – Professional bodies – Business sector (organised and informal) – Civil society organisations. 	Lead department	February to April 2017 PARI Recommendation: <i>The timing allocated for the sectoral consultations needs to be extended to at least 3 months, and in addition to this, a month should be included (January 2017) to organisations logistics in support of the consultations next year.</i>
14	<p>Submissions of written input through electronic means/platform</p> <ul style="list-style-type: none"> • Political party inputs Consolidated document sent to political parties and receive written input. • Citizen input (added step) To be sent through to lead department. 	Lead department and Anti-Corruption Inter-Ministerial Committee	April / May 2017
15	<p>Cross-sectoral consultation workshops</p> <ul style="list-style-type: none"> • Convene a workshop with Minister and high-level government delegation, business and civil society leaders to achieve consensus on what the final strategy needs to include. • Convene a workshop with oversight and regulatory bodies on monitoring and implementation of the strategy. 	Lead department (DPME), NACS Steering Committee, Anti-Corruption Inter-Ministerial Committee National Anti-Corruption Forum	May 2017
16	<p>Consolidation of input and drafting of NACS</p> <ul style="list-style-type: none"> • Technical process. • Possibly include public feedback session (or public hearing) to comment on the consolidated document. 	Drafting Team supported by NACS Steering Committee NACF/multi-sectoral team	June 2017

Phase 3: Finalisation of the NACS

Activities	Responsibility	Timeline
<p>17</p> <p>Finalise a National Anti-Corruption Strategy</p> <ul style="list-style-type: none"> • Draft implementation plan assigning clear roles and responsibilities to line function departments, business and civil society. • Draft a monitoring and evaluation plan. • Begin process of entering National Anti-Corruption Strategy into the agenda in time for the next Cabinet meeting after Anti-Corruption Task Team or ACIMC approval. 	<p>Drafting team Lead department</p>	<p>June/July 2017</p>
<p>18</p> <p>Anti-Corruption Inter-ministerial Committee approval of National Anti-Corruption Strategy</p> <ul style="list-style-type: none"> • Approval of the final document before being tabled at the next Cabinet meeting for final approval. 	<p>Lead department</p>	<p>end July 2017</p>
<p>19</p> <p>Cabinet approval of National Anti-Corruption Strategy</p> <ul style="list-style-type: none"> • Approval of final National Anti-Corruption Strategy. 	<p>Champion</p>	<p>First Cabinet meeting after Anti-Corruption Task Team approval</p>
<p>20</p> <p>Distribute National Anti-Corruption Strategy</p> <ul style="list-style-type: none"> • Print copies of final national strategy document. • Distribute the document across the country via various media. 	<p>Lead department</p>	<p>Immediately after Cabinet approval</p>
<p>21</p> <p>LAUNCH of the final National Anti-Corruption Strategy</p> <ul style="list-style-type: none"> • Launch of the National Anti-Corruption Strategy. • Beginning of implementation. 	<p>Lead department Champion</p>	<p>2017</p>

Appendix B: Summary of programme elements under each strategic pillar

Anti-corruption interventions are commonly organised or reported under the themes of prevention, detection and enforcement. The table below shows which of these forms of intervention are incorporated under each pillar.

Strategic pillar	Prevention	Detection	Enforcement	Monitoring, evaluation and response
1. Support citizen empowerment in the fight against corruption, including increased support for whistle-blowers.	x	x		x
2. Develop sustainable partnerships with stakeholders to reduce corruption and improve integrity management.	x	x		x
3. Improve transparency of activity by the government, business and civil society sectors.	x	x		x
4. Improve the integrity of the public procurement system to ensure fair, effective and efficient use of public resources.	x	x		x
5. Support the professionalisation of public sector employees in organs of state.	x			x
6. Improve adherence to integrity management mechanisms and consequence management in organisations across government, business and civil society sectors.	x	x	x	x
7. Strengthen oversight and governance mechanisms in the government sector.	x			x
8. Strengthen the structures for enforcement : an independent, resourced, skilled, and coordinated multi-agency anti-corruption system.		x	x	x
9. Vulnerable sector management : build specific programmes to reduce corruption and improve integrity in sectors particularly vulnerable to corruption, with a focus on the JCPS Cluster.	x	x	x	x

Appendix C: United Nations guidelines on developing national anti-corruption strategies

The United Nations Office on Drugs and Crime has developed a high-level guide for developing anti-corruption strategies. The UNODC notes that it is “important that the strategy contains a set of concrete recommendations, rather than simply stating objectives in broad, abstract terms without connecting them to any specific reforms or policy changes”. It also stresses that the programmes or actions proposed should be linked to evidence that the approach adopted could plausibly impact on the nature of corruption it seeks to address.

The UN report dedicates a chapter to monitoring and evaluating the strategy. It highlights the importance of a strong monitoring and evaluation component to the strategy to support implementation and institutional learning. The indicators should be very carefully developed to ensure against indicator gaming in which organisations choose indicators that are easy to achieve, but do not necessarily show substantive reform or progress on anti-corruption.

The United Nations Convention against Corruption calls for a range of actions against corruption that can act as a (broad) guide for developing national anti-corruption strategies. These are:

- (a) Strengthening anti-corruption law and law enforcement [...].
- (b) Implementing more effective measures to prevent corruption measures while reducing the incentives and/or the opportunities for corruption. Such reforms might include:
 - (i) Measures to prevent corruption in the public sector, including through promotion of integrity in public administration, strengthening public sector ethics, addressing corruption risks in procurement and in the budgeting process and promoting transparency and civic participation (articles 7 to 10 and 13); and
 - (ii) Measures to prevent corruption in the private sector, including transparency and reporting measures, accounting controls and auditing (article 12).
- (c) Establishing education programmes, publicity campaigns and awareness-raising initiatives intended to change attitudes towards corruption, shift cultural norms and encourage reporting (article 13).
- (d) Bolstering institutional capacity, providing adequate training and ensuring the effectiveness, autonomy and integrity of the government bodies that implement anti-corruption policy (articles 6, 11, 36, 58 and 60).
- (e) Improving both domestic and international coordination between law enforcement authorities and other agencies responsible for combating corruption, as well as between the public and private sectors (articles 37 to 39 and 43 to 50).
- (f) Enhancing the collection and analysis of data and other information on corruption, in order to address uncertainties and knowledge gaps (article 61).

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Together we move South Africa forward

Department of Planning, Monitoring and Evaluation

ADDRESS:

330 Grosvenor Street

Pentagon House

Hatfield, Pretoria, 0028

Telephone: 012 312 0000