

**OPENING ADDRESS BY MINISTER GERALDINE FRASER-MOLEKETI ON
THE OCCASION OF THE 2ND MEETING OF NATIONAL ANTI-CORRUPTION
BODIES
23 FEBRUARY 2007
EMPERORS PALACE CONFERENCE CENTRE, EKURHULENI**

Commissioner Julia Joiner
Distinguished members of national anti-corruption bodies
Ladies and Gentlemen

I bid you welcome to South Africa and trust you will experience the hospitality and friendship of your host country. May this meeting be fruitful and enriching, may you walk away with new friendships and partnerships, but mostly may this meeting inspire and invigorate you, so that you may go to your capitals with new knowledge and drive to carry on your brave fight against corruption. I salute you for the work that you do.

May we take a moment to remember Mr Patrick Tigere from the African Union Commission who sadly is with not us any more. You will remember the passion and effort he invested in your first meeting in Lusaka in November 2005. May his soul rest in peace.

Novels and travel books about Africa are full of descriptions of the wondrous African dawn, when the light emerges and a new day begins. Dawn is a time of great activity – mothers start cooking fires to feed their families, they ready themselves and their families for a day of toil, farm animals are released from the safety of kraals to forage and graze, wild animals go to the water to drink before the heat of the day drive them to thick bushes for shade, and so the cycle of life continues. Dawn however, is not the time of the lazy.

Dawn is also the time of great expectancy – the morning brings hope and new energy and the light seem to wash away the turmoil and fears of darkness. Even the most poor and downtrodden peoples of Africa welcome the new day with a glimmer of hope that today will bring relieve and wellbeing. Dawn however, is not the time of thieves and the corrupt, they hate the light that dawn brings.

Over the past decade, African leaders have articulated a bold “African Agenda” which rests on five key pillars: development and poverty eradication; peace and security; governance and democratization; accelerated economic growth; and partnerships with the international community. The fight against corruption is a key element of the African initiatives to eradicate poverty and to put African countries on a path of sustainable growth and development. It is part of the continent’s efforts to instill good political, socio-economic and corporate governance.

As Africans, we are at the dawn of our renewal. And like the wondrous African dawn, for us, as soldiers in the war against corruption, it is a time of great activity and expectancy. We may have done something yesterday, or the day before, but we have a lot of work waiting ahead and we must ready ourselves for our work.

Commissioner Joiner, may I congratulate you for convening this meeting of national anti-corruption bodies. This meeting comes at a very opportune moment. As we discussed in the December 2006 meeting of the Bureau of the Programme of Pan African Ministers of Public Service, this meeting is indeed a necessary and critical precursor to the Africa Forum on Fighting Corruption. The Africa Forum is aimed to develop a common understanding of corruption and will help to consolidate and promote the African anti-corruption agenda. In this broader debate that must involve civil society that the leadership of national anti-corruption bodies is indeed necessary and welcome. National anti-corruption bodies play the primary role in the fight against corruption. And as the outcomes of this meeting of national anti-corruption bodies inform and contribute towards the debates in the Africa Forum on Fighting Corruption, so will the outcomes of the Africa Forum inform and contribute to the outcomes of the Global Forum V on Fighting Corruption and Safeguarding Integrity.

So you can see that we are at a dawn – post this meeting, the Africa Forum and the Global Forum we will have a plan of action that will require implementation and action at national, regional, continental and global levels. I am sure that you have questions like “How might we do better in the fight against corruption?” or “How is the fight against corruption related to good governance?”. I am convinced that the cumulative effect of these meetings will go a long way in answering these and other questions.

The struggle against corruption has a history, both rhetorically and in terms of action plans. Corruption was conventionally defined as the abuse of public office for private gain. Its discursive element centred on issues of grand corruption, and the belief that it was particularly endemic in Africa. In 1977 the US Government enacted the world’s first strict anti-corruption act in foreign trade, which provided sanctions against bribe-givers. By the late 1980’s, countries as diverse as China and Mexico had anti-corruption campaigns and anti-corruption offices. However, it was only on the late 1990’s, when corruption began to feature more prominently on the global agenda.

Until then, corruption was viewed as not so bad, serving as “useful grease for bureaucratic wheels.” Many argued that it was better for business to pay bribes and to get something done than to have bribes forbidden and get nothing done.

It is now commonly acknowledged that corruption is a complex social practice with its own specific local variations. Recent definitions, stimulated by the Enron and Wall Street scandals, have extended the understanding of corruption to be the abuse of any sort of “entrusted authority”, e.g. as would occur by a board chairperson. Ethical globalization and ethics management are now at the forefront of corporate activity. The stark reality of corruption in the developed world has also been exposed.

The current struggle against corruption can be described as trans-national in two respects. Firstly, it is springing up all over, from treasury offices in Norway to aid offices in the DRC to city governments in Brazil. Secondly, it has become the focus of global co-operation. Most major governments have a high level anti-corruption unit, an action plan, and various campaigns in the works.

The understanding of corruption still differs among societies and has changed over time in each society. Globalisation has brought about not only trans-national economic exchange, but it has also resulted in the diffusion of certain discourses and practices. Corruption and anti-corruption as concepts can not be understood separately from the process of globalisation. This provides an interesting window for understanding how international and local processes intersect, be they processes of global economic restructuring or processes of accountability linked to respect for justice and fairness.

If the fight against corruption is to make the world a better place we can very well ask “For whom?” Is it for those who cast stones, yet refuse to live in glass houses? Does it effectively address the plight of the hapless victims of corruption: an illiterate entrepreneur who must confront an unresponsive bureaucrat, the innocent defendant who must bribe a lawyer or judge, the hospital patient who must pay off a nurse, the women and children who are unprotected from corrupt police?

The definitions of corruption are hardly neutral, and for obvious reasons. Any new, more comprehensive definition of corruption is an instrument to enter new projects. It follows that corruption is tied not only to individual strategies and opportunities, but also to manipulation of value systems and legal norms.

Discussion of corruption used to be taboo in development discourse. Donor accusations that African regimes were pilfering aid were considered interference in these countries’ internal affairs. Today, the struggle against corruption has become a cornerstone of international development initiatives. An obligatory anti-corruption program is now one of the conditions written into most foreign aid co-operation agreements. The irony of this is that there is evidence to support the notion that the self-same “givers” of developmental aid would fair poorly in a Bribe “Givers” Index.

The anti-corruption campaigns of many African countries are at a stage in which projects are intertwined with money and power. Anti-corruption activities can therefore lead to and reinforce an entire complex of discursive practices which may have little to do with fighting corruption as such. In some instances, international involvement increases corruption, because of competition by major powers for natural resources, leading to corrupt deals with the rulers of resource-rich countries in order to obtain concessions. Post-war reconstruction contracts come to mind. The world of anti-corruption with all its cries for transparency remains somewhat sadly opaque.

It is commonly acknowledged that political will to root out corruption is a vital part of any anti-corruption campaign. This political will is influenced by popular attitudes to corruption, which in turn depends on what ordinary people consider as “right” and “wrong.” People adhere to social norms because they fear sanctions ranging from dirty

looks and unfavorable gossip to loss of job opportunities and business relations. Social norms may be more influential than law in shaping behavior relative to corruption. It is postulated that this soft law approach would result in effectively and sustainably addressing the scourge of corruption in any society. What matters is having cultural norms that operate within the business community, the professional legal community, including the judiciary, and the civil service, and within the political class that sees corruption as wrongful and unethical. It also is essential for the broader society to find corruption to be abhorrent rather than part of the national culture.

Changing norms within a distinct professional or political class or within the society generally is not impossible, but it is difficult and takes time. It certainly takes a sophisticated understanding of existing norms and how they operate. The following examples illustrate the complex paradigms which any exercise to understand corruption must explore:

- Expectations of when a monetary transaction is appropriate can differ. Tipping is considered bribery in some societies, while in others the two concepts may be interchangeable. In Spanish, bribes are referred to as "la mordida", in Middle Eastern countries they are Bakshish.
- In the music industry, *payola* is the commonplace practice where record companies buy air time from radio and television for songs they are promoting.
- Pharmaceutical corporations may seek to reward doctors for heavy prescription of their drugs through gifts. Doubtful cases include grants for traveling to medical conventions that double as tourist trips.
- Politicians receive campaign contributions and other payoffs from powerful corporations or individuals when making choices in the interests of those parties, or in anticipation of favorable policy. In most instances, such a relationship does not meet the legal standards for bribery without evidence of a *quid pro quo*.

For many countries doing business in Africa, small "facilitation" payments do not constitute payments that are frowned upon, or even prosecuted as an offence of corruption. Such payments are made to induce public officials to perform their function, such as issuing licences or permits, and even though they are generally illegal in the foreign country concerned, it is regarded as the only way to conduct business.

Let me return to the work that await us at our dawn and take a step back to your first meeting in Lusaka, Zambia in November of 2005. That meeting made a range of recommendations, including that the AU Commission present the recommendations to the Ministers of Public Service for their consideration and transmission to the next ordinary session of the AU Summit in 2006. In December 2005 these Ministers considered your report and indeed promoted the recommendation to the Summit in Khartoum in March 2006.

But what of the implementation of the recommendations, how have these decisions been actioned and can we now congregate here today to shake each others' hands and say "well done, good progress"? In this meeting, in this room, you be the judge of your progress. Outside of this room are the peoples of Africa, the prosperous and the poor, the educated and the ones that cannot write and read, the victims and the perpetrators of corruption, they ask, and have the right to ask, what have you done and what are you doing to fight corruption? How have the Lusaka recommendations affected them, does it matter that the AU Assembly considered the report, has that made a difference?

Reading the Lusaka report, it is clear that many issues raised are still with us:-

- The role of civil society is still not defined within clear national compacts where all stakeholders understand and respect the roles of all. The limitations in resources and support are still prevalent. Civil society organisations still also make themselves guilty of acts of corruption.
- Mutual legal assistance remains a challenge.
- The need for exchange of information and good practice still remain an identified need.

When we look at the specifics of the Lusaka recommendations I am heartened by the fact that the AU Convention on Preventing and Combating Corruption came into force in August 2006 but only 28% of countries have ratified this Convention. There are other key recommendations that we should assess:-

- How, in practical terms, does the AUC and Member States support the "domestication of the Convention into national laws"?
- How can the AUC and regional economic communities fulfil the envisaged tasks of monitoring, supporting domestication, facilitating cooperation and mutual legal assistance and coordination? Are there good examples of where this is done? Can this be done at all if these bodies do not have the capacities to do so?
- What has been done to obtain the buy-in of non-governmental organisations, including business organisations, and parliamentarians so that they can work towards implementation?

Many of the recommendations are in essence matters for domestic implementation and unless we can find a structured way to collect and analyse country information, we would not know what progress we are making. For all we know progress is phenomenal and if it is it will be a sad day if we cannot use this progress to support each other and at the same time dispel some of those very negative perceptions about Africa.

I think by now many of you would want to say but many of the above challenges can be addressed if only we can get the Advisory Board on Corruption within the African Union established as a matter of priority. As contained in Article 22 of the AU Convention this Advisory Board must-

- Promote application of anti-corruption measures

- Collect, document, analyse and share information on corruption
- Provide advice to governments
- Analyse the conduct of multi-nationals
- Promote harmonisation of codes of conduct
- Build partnerships and facilitate dialogue between all sectors.

Quite a task awaiting the Advisory Board, but quite a task awaiting us to set up the Board! What is the roadmap for achieving this important milestone?

May I take this opportunity to share some of the work forthcoming in the next week, some of which you will be participating in:-

- On Monday Pan African Public Service Ministers will meet to discuss progress with the Ministers' Programme. This Programme deals with post-conflict reconstruction, innovations in service delivery, capacity building and two other workstreams that are relevant for you, namely the Charter for the African Public Service and Anti-corruption. Nigeria is championing the anti-corruption work and Algeria the Charter. On Monday Nigeria will present a research paper that was conducted on an effective anti-corruption strategy in the Nigerian and ECOWAS context. I trust this case study will contribute towards our ongoing debate on how best to fight corruption.
- On Tuesday the Southern African Forum on Corruption is meeting to discuss SADC's progress with the implementation of the SADC Protocol against Corruption and the SADC Regional Anti-corruption Programme.
- And on Wednesday the Africa Forum on Fighting Corruption starts and I trust you have all registered and will participate actively. The overarching theme for the Forum is **Towards a common understanding of corruption** and the Forum will amongst other areas look at national integrity systems, law enforcement and cross-border cooperation and challenges and solutions to implementation of national, regional and international anti-corruption instruments. Clearly your work here today and tomorrow is a key precursor to participation in the Forum.

All of the above is an intimidating programme of work that will, as I indicated earlier, continue well into our collective future. It is thus by design that I talked about the dawn and the great activity and expectation that comes with the new light of day.

May your work be fruitful and may you undertake your task with the joy and dedication expected of public officials.

I thank you for the opportunity to address you this morning.